United States Court of Appeals for the Second Circuit



TRANSCRIPT

UNITED STATES COURT OF APPEALS

for the

SECOND CIRCUIT

TRINITY EPISCOPAL SCHOOL CORPORATION and TRINITY HOUSING COMPANY, INC.,

Plaintiffs-Appellants,

ROLAND H. HARLEN, ALVIN C. HUDGINS and CONTINUE,

Intervening Plaintiffs-Appellants,

V.

GEORGE ROMNEY, SECRETARY OF DEPT. OF HOUSING AND URBAN DEVELOPMENT, S. WILLIAM GREEN, REGIONAL ADMINISTRATOR, DEPT. OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, CHARLES URSTADT, COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL, N.Y. STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, THE STATE OF NEW YORK, JOHN V. LINDSAY, ALBERT A. WALSH, HOUSING AND DEVELOPMENT ADMINISTRATION OF THE CITY OF NEW YORK, THE CITY PLANNING COMMISSION OF THE CITY OF NEW YORK, DONALD H. ELLIOTT, WALTER MCQUADR, IVAN MICHAEL, GERALD L. COLEMAN, CHESTER RAPKIN, MARTIN GALLENT, ABRAHAM D. BEAME, SANFORD D. GARELIK, PERCY E. SUTTON, ROBERT ABRAMS, SEBASTIAN LEONE, SIDNEY LEVISS, ROBERT T. CONNER and THE CITY OF NEW YORK,

Defendants-Appellees,

STRYCKER'S BAY NEIGHBORHOOD COUNCIL INC.,

Intervening Defendant-Appellee.

TRANSCRIPT

(Volume IX OF IX - Pages 3669-3848)



DEMOV, MORRIS, LEVIN & SHEIN
Attorneys for Plaintiffs Appellants and Intervening Plaintiffs-Appellants
40 West 57th Street
New York, New York 10019
757-5050

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vs.

71 Civ. 4315

George Romney, et al.

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New York, New York. May 17, 1974 - .. 10 A.M.

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(Trial resumed.)

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THE COURT: Please proceed.

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MR. LINER: I would like to call Judge Milton

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Mollen, please.

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M I L T O N $\,$ M O L L E N, called as a witness by the

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City, having been first duly sworn, was examined

and testified as follows:

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DIRECT EXAMINATION

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BY MR. LINER:

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Q Where do you presently reside?

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A Brooklyn, 4618 Avenue H.

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Q What is your present employment?

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A Supreme Court, State of New York.

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Q What county?

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A Kings County, Second Judicial District.

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Q Prior to that where were you employed? ...

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A Criminal Court of the City of New York.

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Q Can you give a brief rundown of your prior employment?

- A Shall I go back to my Governmental employment?
- Q Start with the Corporation Counsel.

Counsel of the City of New York as Assistant Corporation counsel in the general litigation division, and then about six months later I became the acting chief of that division, and then about a year later I became the chief of the penalties division in that office, and in 1958, I believe it was, I became the executive assistant to the Corporation Counsel, and then in June of 1960, I left the Corporation Counsel's office and became general counsel to the Housing and Redevelopment Board.

On February 15, 1962, I became chairman of the Housing Redevelopment Board, and on February 15, 1965, I became the Housing Development coordinator of the City of New York, and on July 20, 1965, I resigned.

I ammunced my candidacy for the office of comptroller of the City of New York on that day.

I resigned from the job of Housing Development coordinator.

After the campaign was over and I was defeated,

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I then practiced law privately until March of 1966, when I was appointed to the Criminal Court Bench of the City of New York, from March 25, 1966 until December 31, 1968.

November of 1968 I was elected to the Supreme Court, and on January 1, 1969, I became Supreme Court

Justice of the State of New York until the present time.

I am still serving in that capacity.

Q During the years between 1960 and 1965, when you were with HRB as its counsel and chairman, did you become familiar with the West Side Urban Renewal area?

A Yes.

Q Did you participate in the planning for this project?

A Yes.

Q Are you familiar with the original urban renewal plan approved by the Board of Estimate in 1962?

A Yes, I am. Generally speaking. The details are not quite clear in my mind at this time. I am generally familiar with it.

Q Are you familiar with the fact that the original urban renewal plan was amended on several occasions?

A Yes, I am.

Q In your experience with the urb an renewal

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24 25 process would you say that plan changes and modifications are a rule rather than an exception?

They are fairly common, yes.

In your experience with the urban renewal process would you say there are normal delays in completion of an urban renewal plan?

Unfortunately, yes. Much too many,

Could you briefly explain the reasons for these delays?

Well, there are a number of reasons.

Many times there is difficulty obtaining funds. There is a great deal of delay in processing because most of the urban renewal plans require extensive processing by the New York City departments and agencies, collaboration among agencies, which is difficult and awkward and time-consuming.

There is further delay in obtaining Federal It has to be approved by the regional approval. office in the first instance and then inWashington, and then it comes back, and they will make suggestions, and sometimes valid criticisms which will require further amendments by the city officials involved.

There is a great deal of time spent in working with community groups and obtaining community approval of

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the various aspects of the plan, or meeting community criticisms, and, as I said before, many times there is the problem of lack of availability of funds.

There are a great many reasons, some of them valid and some unfortunately caused by circumstances which hopefully might be changed in the future.

'e always strove to cut down on the delay but there was, it seemed, interminable delay.

To the best of your recollection is there a statement in the urban renewal plan for lower income units to be produced in the urb an renewal area?

I don't believe whether there was a statement as to the realer of lower income units. I am quite certain there must give been general statements that there would be provisions made for low income families.

I don't recall any precise number being in the plan per se.

> Q Did there --

A There may be. I am just saying I do not recall

Did there come a time when the number 2500 low income units was discussed with regard to the West Side Urban Renewal area?

> A Yes.

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Q Approximatively when did that discussion take place?

A Well, there were ongoing discussions from the time that I first became familiar with the West Side Renewal Plan until its ultimate approval by the Board of Estimate.

I recall when I joined the Housing Redevelopment Board, which was in 1960, and began working on the various plans as general counsel, that, as I understand the original concept which was prepared under the aegis of James Felt, when he was chairman of the Planning Commission, conceptualized a figure of 400 units of low income family housing units.

Subsequently it was increased as there was more and more contact and discussions with community groups and the need became apparent that if we are going to service people who are on the site, there were a large number of low income residents residing within the urban renewal area, and if we were going to do more than give lip service to the concept, that this should be available to low income families in the area, that we would have to increase the number of units for low income families.

There was constant pressure from various community groups, and we were constantly discussing these pgb-7

Mollen-direct

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problems and trying to come up with a figure that would be appropriate.

I will say my own personal subjective figure is that there is no magic single number that would be the right number. It was a question of accommodating various objectives.

We had an objective of achieving an economically integrated community or neighborhood once the development was completed.

There was a progression of increases in the number of units for low income families, as I recall it.

As I said the initial amount when I became a member of Housing Redevelopment Board was still 400. Then it increased, I believe to approximately 800, and then there was a further change.

I recall when I became chairman of the board in February of 1962 I called a meeting of my two colleagues and myself just about the day after I was sworn in as chairman, and I realized, because I had been with the Board from its inception, that we were what I considered floundering around with a number of developments, and I said we must set up priorities and work towards completion of a number of them rather than run in many directions.

We agreed that the West Side renewal area and the Cadman Plaza in Brooklyn were two of our high priorities.

We started to zero in on obtaining approval of the West Side urban renewal area and in order to do this I and my colleagues and staff members engaged in a constant ongoing series of meetings with community groups, potential sponsors, and everyone else, to try to come up with a final plan which would meet basically the needs and the aspirations of the majority of the people in the area.

We had come to some figure when I told the
Mayor we were ready to move with the plan and it could go on
the Board of Estimate calendar. It was somewhere, I would
say, 15, 16, perhaps 1800. I don't recall at this moment
what the figure was.

Then I recall, literally, at the twelfth hour, receiving a phone call from the Mayor's office about the day before the plan was to be on the Board of Estimate calendar and asked to come over to City Hall to discuss it.

Apparently, and I was so informed, the Mayor was under increasing pressure to increase the number of units for low income families by a number of the groups in the community.

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I remember Julius Edelstein meeting we when I came over there and saying, "You better give some thought of increasing the possibility of low income family "...ts."

We went into the Mayor's office and there was a great deal of discussion and, in essence, I think, as I recall, I was asked, could we in terms of the plan, in terms of our overall objectives, live with an increase in the number of units to accommodate low income families of 2500?

And I said we could.

There were a number of methods by which we could do this. This did not contemplate 2500 solely public housing units. We discussed units in rehabilitated houses, the so-called skewed rent approach, and there were a number of approaches we were going to use geared towards achieving a goal of 2500 units to accommodate low income families in the development.

That was the final figure that we presented to the Board of Estimate.

Q Your understanding was that the number 2500 was a minimum of units for the area for low income?

A Well, I never thought of it as a minimum or a maximum. I thought of it as the number of units we were going to provide to accommodate the families,

low income families, who were on site tenants. That area had a very high number of on site low income families.

That is one of the reasons why it was being renewed. It required renewal. It had both physically deteriorated structures which were really in pretty bad shape in many instances, and the people who more or less lived in that type of structures were people who could not afford to find better higher rent accommodations.

We did have a large percentage of low income families in that area as well as other families.

It was not strictly a low income family area, as I am sure you are aware. The Cartral Park West community, which is part of the boundaries, had many middle income and higher income families esiding there, and they were sprinkled throughout the community

We did have a large number of low income families and one of the purposes was to accommodate as many on site families as we could possibly accommodate.

We decided that 2500 would hopefully help us to achieve that result.

- Q What was the City's policies with respect to people living within the West Side Urban Renewal area in connection with new housing?
 - A Our position was that they had an absolute

priority in terms of having first call on all the new housing and rehabilitated housing which would result from the West Side Renewal plan.

Q Was that the City's policy from the inception of the plan until you left HRB?

A It was the City's policy from the moment I became chairman of the board and I believe it was the policy even before I became chairman, but after the Housing Redevelopment Board was created, which was in 1960?

I cannot speak for the policy that existed from 1954.

My recollection is that Mr. Felt announced the concept of the West Side renewal plan approximately in 1954. I became chairman in 1962. And HRB was created in 1960.

I note without any equivocation whatsoever, from the moment I became chairman we were going to give absolute priority to on-site tenants in terms of relocation insofar as only they could afford to. Some of them might not be able to afford the new accommodations. We had that specific objective.

I don't know if it is germane or relative to your question, but it would illustrate that. If you care for me --

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Q Illustrate it to us.

A For example, the first units available for low income families were 20 apartments of rehabilitated housing I believe, on West 94th Street. They were very fine accommodations. They were being rehabilitated by the New York City Housing Authority. Herman Badillo was the Commissioner of Relocation and worked closely with me as chairman of the Housing Redevelopment Board.

I remember Badillo coming into my office one day upset and telling me he had just received word of the 20 units which were about to be opened shortly, that 17 of them were going to go to non on-site tenants. They were going to go to low income families, but from other areas of the city.

I considered that a violation of the commitments that I and the Mayor had made about the priorities.

"Frankly," I said to him, "I don't believe it."

And he said, "This is what I have been told."

I called Mr. Reid who was then chairman of the City Housing Authority and I asked him if it was true and he said yes, that for various reasons these commitments had been made prior to my commitments, in essence, that the units would be reserved for on-site tenants.

I said that it was not merely a question of my

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commitments, but it was the City commitments and the Mayor's commitments.

And he said, in effect, "I'm sorry, Milt. I can't do it. We have committed these 17 apartments, but from now on after these they will all go to on-site tenants."

over to the Mayor's office and saw Mayor Wagner. I took

Herman Badillo with me and told him about my conversation

with Reid, and the Mayor said -- in effect I told the Mayor

it was not my commitment, that was the Mayor's commitment

and the City's commitment.

He asked, "What do youwant me to do?"

And I said, "Call Bill Reid." And he did and

Reid came over.

The Mayor directed him to make those 20 units available to on-site tenants and Reid did so-

We felt this was a commitment to the on-site tenants which had to be kept -- at least as far as I was concerned.

Q To the best of your recollection was the West Side Urban renewal plan to have a ratio of 70 per cent middle milled income and 30 per cent low income economic mix for the area?

2	I don	t recall the precise percentage during
my time	there.	I don't know what happened after I
left.	I do know	that we definitely stated that one of our
objectives was an		economically integrated neighborhood
once the	e plan was	implemented and

THE COURT: But no ratio was fixed?

THE WITNESS: Not as far as I knew.

Q Briefly, can you state what was the general purpose of the urban renewal plan?

A It was to renew the area -THE COURT: There is no question on that.

I beg your pardon, Judge.

Q In an effort to produce an economic mix did you take into consideration the entire 20 square block area?

A Yes. We realized after there was a certain number: of high income and middle income families that lived in Central Park West and certain other structures that were in the area, would continue to do so, and certain low income families living in the structures that would not be affected physically by the renewal effort which contained low income families, so we took into consideration the entire 20-block area.

Q Do you recall a discussion with Mr. Morris and Mr. Elliot Lumbard in late 1963 following a meeting of

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the City Bar Association at which you spoke?

I have a vague recollection.

I recall going up to the Bar Association to speak on the subject of the possibility of developing a middle income housing development in this area where we are now seated to accommodate lawyers.

This was initiated by Mr. Morris and perhaps by Judge Rosenman, who is now deceased, for the purpose of providing housing accommodations for young lawyers in the Wall Street firms and Governmental offices who were having great difficulty in finding housing accommodations and wanted to reside within the area they were working. We explored the possibility of that. I went up there to speak.

Subsequent or after the meeting was over, as I recall, Mr. Morris approached me with Mr. Lumbard, who I had known somewhat. He had been active in a neighborhood conservation program. I think he lived in that area on the east side. We had spoken of some of the problems over the years and they spoke to me. I believe we discussed at that time the question of potential sponsorship in the West Side renewal area of the Trinity School.

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Q You considered the Trinity School a good sponsor for the program?

A Yes, very much so. I thought they would be a good sponsor. One of our objectives at that time, and this was a new objective in terms of city policy, was to as much as possible include local institutions and local groups in the sponsorship of the Urban Renewal plan. This was something totally alient from the prior Urban Renewal program. We felt strongly about bringing community groups and community institutions into the plan. Trinity was indigenous to the area. They were located in the area and we thought they would make a good sponsor if they were interested in accepting sponsorship.

Q Their proposed sponsorship was for what type of site?

A It was to build a housing development and expand their school facility, which had a particular interest for me because I very strongly urged the development of a program in the city of multi-use structures.

I felt that the city was reaching a point where we were having great difficulty expanding horizontally and therefore we should attempt to expand vertically and that land, particularly in Manhattan, was so expensive that it would be very helpful to meet the city's needs if we could

have multi-use such as schools and housing combined.

That was the forerunner of what is now known as the educational construction fund in New York City.

Mr. Morris is well aware of it. Mr. Morris was interested in the program. The first actual project was in the Bronx, I believe it is Highbridge Towers Project. They physically moved first. We were very much interested in doing that same thing in Manhattan. I was concerned about the rising land costs in Manhattan and we had a very severe problem in meeting school needs and housing needs. I thought if we could combine the two it would serve a purpose, and I had difficulty convincing people both in and out of government that such a program was feasible. I thought this offered an opportunity in the West Side Urban Renewal area to pioneer such a program.

Q Did there come a time in the spring of 1964 when you participated in a meeting at Trinity School in connection with the sponsorship of the program for the West Side Urban Renewal area?

A I have no recollection of dates, but I am certain during that period of time I was meeting with all potential sponsors and community groups. I know I did have a meeting with Trinity School representatives. The precise date I can't reall.

2 Do you recall if Mr. Pliot Lumbard was present

at those meetings?

A I believe so.

Q In those meetings, did you ever make a statement to Mr. Lumbard or any other representative of
the Trinity School it could rely on the Urban Renewal
plan?

me to accurately answer yes or no. I will answer it in this way, if I may. I would tell potential sponsors — that would include Trinity School as well — that as far as I was concerned, as far as the Housing and Redevelopment Board was concerned, that they could rely on our representations that we would do everything humanly possible to implement the plan as we proposed the plan.

However, I would not undertake to represent that I could bind the City of New York to any particular plan or any particular portion of a plan.

Q At that time did you realize that the Urban Renewal plan was subject to amendment?

A Yes. The history of the plan is self-evidentiary of that fact. It was amended a number of times, as is almost every Urban Renewal plan.

Q At the time you were at BRB, were Colonel

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THE COURT: Mr. Douw?

MR. LAND: Nothing.

MR. DOUW: Nothing, your Honor.

THE COURT: Criss examination, Mr. Morris.

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MR. MORRIS: I have no cross-examination.

THE COURT: There is no jury here and there has been no attack on you and so Ibelieve that the code and judicial approval will entitled me to say good morning to you without anything untoward being drawn from it. I am glad to see you again, Judge. Good luck to you. Carry on.

> THE WITNESS: Thank you.

(Witness excused)

MR. DOUW: Your Honor, I call Dr. Gans.

May I have this marked for identification.

(Defendants' Exhibit AL was marked for identification)

HERBERT. GANS, called as a J. witness by defendant Strycker's Bay, being first duly sworn, testified as follows:

MR. DOUW: Your Honor, I offer into evidence Defendants' Exhibit AL marked for identification. This is a biography and list of publications of Dr. Gans which will establish his credentials as an expert witness.

> Splendid. THE COURT:

MR. DOUW: I understand Mr. Morris will stipulate this is his biography.

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leading questions unless Mr. Morris finds it incorporates

THE COURT: I will permit a certain amount of

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and "tipping point"?

A Yes, I think there is an important difference. The tipping point is really that point in the change process at which the quick and panically mass departure begins. But two things have to be said, first of all,

there is no one tipping point that one can generalize about. It differs for five neighborhoods, different cities, different kinds of people.

The second point is that it's really an expost facto judgment that when a neighborhood has tipped, one can go back and say "Perhaps hais was the tipping point," even though the experts are never sure exactly where it was. You can't say, as a neighborhood is changing, that here is going to be a tipping point.

Q Is ther term "tipping point" a means whereby a prediction is attempted as to developments in a certain community?

A I think in the past attempts have been made to predict that a certain point was a tipping point, but I think, as with all predictions, scmetimes they are right, often they are wrong.

Q I would like you to give the example of the Grand Concourse in the Bronx and describe that as you understand it in terms of the tipping process. Would you describe that particular example?

A Yes. I think the Grand Concourse is an example of one area in New York which not only changed from a predominantly Jewish area to a predominantly Puerto Rican area but it is an area that tipping. In other words,

at one point in time the Jewish population began to move out very quickly. I think the reason for that, and a very importar reason, was the existence at that time of Co-Op City, a nuge housing development which was available for people to move into.

THE COURT: I know that I am brining on exactly what I wanted to avoid, but I am not quite clear. So would you go into it a little more in detail. I don't quite get it.

THE WITNESS: I am sorry if I wasn't clear.

THE COURT: It's all right.

let me be more general. Almost all neighborhoods in the city change over a time, they change populations. What we know as Little Italy was originally Irish. East Harlem started as an Irish neighborhood and then became Italian and Jewish and now it is a Puerto Rican neighborhood.

I think this is a general process that takes place in all American cities and probably in all European cities. It has been taking place on the Grand Concourse area slowly over a period of time. It was an older neighborhood. As the residents, the Jewish residents, of that area had an opportunity — as their incomes went up, some of them obtained better housing, some retired and moved to

Florida and other places. That part of the Bronx had attracted a large number of Puerto Ricans and the Puerto Ricans began to fill the vacancies in the Grand Concourse. One could have said — one could have predicted, I suppose, by the early 1960s that some day, say 1980, the Grand Concourse would be a predominantly Puerto Rican area. One could have guessed. I don't want to predict. I am a social scientist. I get very nervous about trying to predict the future.

I think what happened in the Grand Concourse is that the change became more rapid, that the area really turned from a predominantly Jewish area to a predominantly Puerto Rican area in just a few years. I think the major reason was that there was what people in the Concourse thought was a better neighborhood available for them, and that was Co-Op City, 1,000 or so homes.

THE COURT: Now I see how Co-Op City came into it.

THE WITNESS: If Co-Op City had not been built, the Grand Concourse would now be a mixed Jewish and Puerto Rican neighborhood.

THE COURT: Now I understand.

Q There is something else I would like you to describe, and that is Morningside Gardens, which you have

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personal familiarity with. Would you describe that situation there?

A Yes. Morningside Gardens is a co-op which is located on the east side of Broadway at LaSalle, which is 123rd Street. An interesting thing about Morningside Gardens is on the other side, on the north side, of LaSalle Street there is a very large public housing project called Grant Houses. These two — the middle income co-op, Morningside Gardens, and the public housing project have now co-existed for I think it's almost twenty years with only a narrow LaSalle Street between then and, as far as I know, it's as hard as ever to get into Morningside Gardens.

The vacancy rate is zero. The waiting list is very long. The fact that there is a public housing project right next door, the fact that there is a public housing project to the north and the east, the fact that it abuts on Harlem, the fact that there are tenements on the other side of Broadway, the fact that the IRT rumbles by every three minutes makes no difference whatsoever. The project has remained from the beginning a middle class project, it's integrated, although primarily white. There are no vacancies. There is a waiting list. It's a very good example of good middle class housing being able to

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I don't know. I think it's -- I would guess at least 700 or 800 apartments.

project is, approximately, that you speak of?

What do you consider the most important factors to assess in determining what causes a community to tip?

This is a point where I would be tempted to give a lecture and I have been instructed by the Judge not to and I won't.

THE COURT: All I ask is you condense it. Make your point but condense it.

The important point is the factors vary tremendously with the community, the types of people who are in the area, who have been living in the area, the types of newcomers, whether they are homeowners or renters, what the ethnic groups are, what opportunities people have to improve their housing conditions. There are many, many factors in the whole tipping process and it's very hard to generalize about a few factors.

Talking about New York, talking about Manhattan, I would say one factor is the entry into a neighborhood of very large numbers of people who don't care about the

neighborhood, who have personal problems, who are, say, unable to control their children. That would be one factor that might be relevant.

Another factor is the general deterioration in a community in the housing stock, in the services, in that facilities, schools, police protection, a running down of the area.

A third factor -- all of these things are very iffy. We don't know scientifically that all these factors are important, because tipping can take so many different forms and shapes. I would think that particularly in Manhattan a factor would be -- it's difficult to find the right word -- a traumatic, a terrible intense fear of crime which is so intense, so dramatic, so traumatic that people can think of nothing else. In other words, a moving decision is like all the decisions, a weighing of advantages and disadvantages, and if the fear of crime becomes so intense that people can think about nothing else, then all the advantages of where they live, the disadvantages of moving are just forgotten.

Let me also say that I don't know in our neighborhood in Manhattan there exists that pitch of intensity of trauma about crime. People who live in cities have learned, as we all have learned, to have a

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certain nervousness about crimes, to have some fear, but I want to amek very clear that just like we get used to the noise of the subway, the general fear of crime is very different from what I am now talking about. "Fear" is really the wrong word. It's a panic. It's a hypertraumatic fear that drives out all other considerations.

Then the fourth factor which I think is also very important particularly in New York is the question of advantages in moving. If people live in a neighborhood where the housing isn't very good, if their incomes are rising, there is nice new housing not far away which is not expensive, an area can tip very easily. When people live in an area and they have a good deal, they have good housing, they have relatively inexpensive housing, they have a nice neighborhood, when they live in a city where the vacancy rate is zero, in other words, where the advantage to moving is zero, where the disadvantage to moving, the giving up of a good neighborhood, is very hard, then I would say there is a great reluctance to move out and there is therefore little chance of a neighborhood tipping.

I think this is particular important. Most of the studies of tipping have been done in other American cities where you usually have had a fairly high vacancy

rate. New York is an unusual American city. It is unusual in the sense that housing is expensive, hard to get and I think people who have good housing, who live in a good neighborhood, who don't want to live in the suburbs, and I think there are many of those in Manhattan, are very reluctant to move. If you live in a rent-controlled apartment, for example, it's very hard to imagine -- a good rent-controlled apartment, it is hard to imagine any conditions under which people would give that up. They would have to double or tripple their rent, they would lose advantages of the location and the services. This is an important factor in New York.

Q Dr. Gans, have you read the testimony in this litigation which was given by Mr. Roger Staff and Dr. Frank Kristof and Mr. William Green?

A Yes, sir.

Q I refer to Plaintiffs' Exhibit 70, which is a statement of Dr. Kristof, and ask you if you have also familiarized yourself with this exhibit?

A I saw it this morning. I looked through it very quickly.

- Q Dr. Gans, where do you presently reside?
- A I preside at 460 Riverside Drive.
- Q How long have you lived in what is generally

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known as the west side area?

Ever since I came to New York in 1961.

Could you describe briefly the approximate addresses where you have lived prior to your present residence?

From 1961 to 1967 I lived at 108th and Riverside.

From 1967 to 1969 I lived at 97th and Broadway -between Broadway and West End. Then for two years I was out of the city teaching at MIT. I came back in 1971 and ther moved into the apartment that Columbia gave me at 118th and Riverside.

So consequently, have you personally observed over these years since 1961 the Broadway area approximately between 87th and 97th Street?

Yes, certainly. I am a residenc. I am also an urban sociologist and one of the things I have to do as part of my teaching duties is to observe neighborhoods, to wander around them as much as possible and I enjoy it anyway.

Have you also observed the West Side Urban Renewal area over these years?

Yes, I have.

Have you visited the West Side Urban Renewal

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area recently, specifically in preparation for your testimony today?

A Yes, on Wednesday afternoon I spend a couple of hours wandering through there.

of those tracts that cover the West Side Urban Renewal area?

A Yes, I have looked at them.

Q From the bases which we have just enumerated, do you have an opinion as to whether conditions exist in the West Side Renewal area which will result in the area tipping?

- A Could you repeat that. Do I have an opinion?
- Q Yes, do you have an opinion?
- A Yes. I don't think the area will tip.
- Q Would you list the reasons specifically in relation to the West Side Urban Renewal area --

THE COURT: Not only list, but here is a question that gives you the right to expand, and I would like to be edified on what is one of the crucial points, if not the point, in the whole litigation.

Q What we would like here are the reasons why you have the opinion that the West Side Urban Renewal area is not subject to tipping, in your opinion.

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Gans-direct

I think there are a number of reasons. already alluded to some of them in my previous testimony. It seems to me, first and foremost, that it is one of the best neighborhoods to live in in New York City for a middle class person. It's an area which above the median income in New York, it's an area where the percentage of whites is higher than that of Manhattan as a whole, higher than that of the city as a whole.

In other words, the number of racial minorities for those who care about those things is lower. It's an area which I think in all respects -- I am sorry. My voice is giving out.

> Take your time. THE COURT:

I have been teaching all year and my voice is finally giving out.

I think it's a good neighborhood where people have bery good housing, which was comparatively reasonable at the time they got it, which thanks to inflation and. housing costs and rent is even more reasonable today. I cannot see any reason under which people would want to move. I cannot see any reason -- I cannot think of any place where they would go to. They have a good neighborhood, they have good housing, they are well located with respect to getting to work in the city, it's

a good transportation system, and then all the other -the extras, Lincoln Center, the parks, the museums,
the restaurants, the food stores, the other shops on
Broadway, Amsterdam and Columbus -- not Amsterdam but
Columbus now. I don't think there is going to be any
significant change in the neighborhood even much less
tip because I think people have gotten a good deal and
they are going to stay there. I just don't think it is
going to tip. I really don't.

Q Referring again to the area of Broadway, Dr. Gans, approximately between 87th and 97th, could you describe what you have observed during the time that you have lived there and observed that particular part of the west side?

A Yes. I think Broadway -- maybe it is only for an urban sociologist, but it is a fantastic street because of the mixture of kinds of stores that exist there. One thing I have noticed is that on the whole the quality of shopping, if you measure it in terms of the kinds of goods, the prices, has gone up in recent years, which is perfectly natural because you have had a higher income population replacing a lower income population on Riverside Drive and especially in the West Side Urban Renewal area. As more affluent people

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move in they get better stores. It happens everywhere.

I think this has happened on Broadway, too.

Gans-direct

So you have fancier restaurants, fancier clothing stores, nicer food stores, boutiques, all kinds of things coming in, the banks have expanded, they look like palaces now whereas at one time they didn't. So I think the street has picked up considerably. I noticed, for example, as I was walking, that there isn't a single low price discount store between 87th and 95th. The first one is at 96th. Then there are two or three others between 96th and 106th. There are two or three in my own neighborhood where I shop on 110th Street.

- Q One final question, Dr. Gans. Have you been contacted by one of the plaintiffs' lawyers in this case and asked to testify for them as an expert witness?
 - A Yes, I was asked to testify by them.

MR. DOUW: Thank you. That's all, your Honor.

ing your presentation, but may I ask you, did you have -I am sure it wasn't some Machiavellian approach that
you engaged in, but you asked the witness had he examined
the testimony of the witness Staff, the witness Kristof
and then you let it go at that. I thought it was a very
good idea to have him examine that testimony, but I thought

Gans-direct

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you were going to ask him: "Do you agree or do you disagree?"

MR. DOUW: I would be plased to ask him that, your Honor. I believe Dr. Gans knows both gentlemen.

Do you know Dr. Kristoff and Mr. Starr?

A Yes.

THE COURT: That wouldn't make a bit of difference to him. He is testifying under oath. He would address his testimony to his evaluation of their conclusions. I would like to have it.

MR. DOUW: The purpose of my question was to provide that part of what he is basing his expert opinion on, but I will pose the question at your Honor's suggestion.

First as to the testimony of Mr. Starr, Dr. Gans, can you give us your reactions to his testimony?

THE COURT: Please.

Yes. I think I would accept most of his testimony. He is a knowledgeable man. I would disagree, however, with his opinion that once the West Side Urban Renewal area has 2500 low income housing units it will tip. I don't think the number per se of house units means anything. It is people and other people's perceptions of newcomers that is a factor, even though one of the factors, in tipping. The mere face of 2500 has nothing

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Gans-direct

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to do either with tipping or with neighborhood change 3

per se.

THE COURT: Is there anything else in his testimony that you recall that you disagree with?

THE WITNESS: Nothing particularly as I recall it. I disagree with his whole general opinion that the neighborhood will tip.

THE COURT What about Dr. Kristof's testimony? What was there about that you would like to call my attention to as pointing out that you take exception to or disagree?

THE WITNESS: As I recall, there are really two parts to Dr. Kristof's testimony. I am not sure of the legal language. When he first testified he said pretty much what Roger Staff had said, that the area would tip if 2500 units were there. But then I think on cross-examination he was asked whether the area would tip if Site 30 were developed with public housing and he said no. Frank Kristof is an able, expert, careful man and it was a perfectly sensible answer. I can imagine no conditions ur ar which a small public housing project of I guess 160 units of which I understand about 30 would be elderly people can tip anything, and he so testified, as I recall.

Gans-direct

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MR. MORRIS: Your Honor, I ask that the answer be stricken because the witness testified that both Mr. Starr and Dr. Kristof testified that if it reached 2500 it would tip. That was not their testimony at all. Their testimony was that if it exceeded by a substantial number 2500 the area would tip. There is a very crucial difference between the two.

THE COURT: Number one, you have the opportunity on cross, and number two, I should think you would want to retain that in order to point out that Dr. Gans is careless. At any rate, I am leaving his testimony stand. Your motion to strike is denied.

Q As far as Dr. Kristof, you said that Plaintiffs' Exhibit 70, I believe, you only had an opportunity to look at this morning briefly. Do you have any observation to make as to it?

A Not really. I have looked at it too briefly.

THE COURT: Doctor, it is important. You are here. Your throat bothers you a bit.

THE WITNESS: Don't bother about that.

THE COURT: It is a whole lot better to get through with it than have you run back. So suppose we take a few minutes recess. Take your time, there are some lozenges, some judicial lozenges that have a little

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Dr. Gans, did you review the statement of Dr.

Could you comment on it in the way you would like to?

Let me say two things.

First, I think Frank Kristof is a careful, able, statistician.

Secondly, the data he has brought together suggests or verifies what I testified to before, that as of 1970 and as of the data he has, the West Side Planning District was above the median in all the respects that I have talked about, and that the West Side Urban Renewal area was above that media.

In other words the number, the change of white families, the median income, and various other indices by which we judge the attractiveness of a neighborhood to middle class families -- and there are a lot of figures in which all support this general fact, that the neighborhood has been changed by the urban renewal and it has attracted a much larger number of middle class white people and it is also, judging by the higher median income for blacks in the planning district, the higher median income of Puerto

BY MR. BAKER:

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Dr. Gans, have you conducted any studies or surveys with any technical precision in the West Side Urban area?

> No. A

Dr. Gans, you mentioned four factors in the

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tipping concept, if I recall. You elaborated on them.

I would like you to give me the factors again in a fairly substantial number of concepts, if you would. You are familiar with them.

Are you familiar with the concept of "urban blight"?

A Of course.

Q Give us the factors that constitute urban blight.

A I am not sure if I call it a concept. It is a rather vague term that has become incorporated in various kinds of legislation with very different criteria.

Generally speaking, urban blight means the

existence of physically harmful dwelling units or other structures in the neighborhood. You can go back to the 1940

Hous ig Act or the 1954 Housing Act wherein specific definitions were written into that legislation which have changed over time.

The word "blight" is a very general and vague -
Q I am asking you as a professional in this field

what do you consider the factors of urban blight to be?

A I would describe urban blight as I have said.

Q The only factor in it is the condition of dwellings?

1	pgb-4 Gans-cross 3710
2	A Yes. What do you mean by factor?
3	Q The only observable or measurable or possible
4	A This is how I define the term, yes.
5	Q Only dwelling units?
6	A Dwelling units and other buildings. If you
7	have a rundown industrial building there is industrial
8	blight; and there is residential blight and commercial blight.
9	Q Continue.
10	A It depends on the kinds of language you want
11	to specify.
12	Q In a residential or residential and commercial
13	urban area.
14	A If the area is residential and commercial I
15	would think there could be residential and commercial
16	blight.
17	Q Can you give me some factors. Is it only the
18	condition of the buildings in the area?
19	A As I define it that would be my major factor.
20	Q Are there other factors?
21	A All kinds of other factors have been raised.
22	For example, things like traffic congestion, which I
23	don't think is a factor because
24	Q What other factors do you consider appropriate?
25	A No. I will stand with the condition of

Certainly.

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Could you give us the elements of orban decay?

Not in the physical design. They study the

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Are they not concerned with the effect of

the design on the people in the neighborhood?

Yes. Of course.

social makeup of the neighborhood.

What are the aspects of urban design that you 0 as a sociologist are concerned with?

Your questions are very general. Urban design doesn't mean anything. If you have an industrial area an architect and planner will design industry. If it is a residential area an architct and planner will design residential buildings. That is all urban design. It describes a very general activity.

What is the concept of territoriality?

That concept is a concept that started in biology. It refers to the tenancy of some animals to outline a territory and defend it against other animals. It has recently been brought into the study of human groups on the assumption, which I feel questionable, that people behave like geese, elephants, or monkeys.

Are you familiar with any work in the area of territoriality?

> Yes. A

Is it relevant to the way people behave in subways?

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2	A Yes and no
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4	term has to do with th
5	animals to share the a
6	In the sen
7	a private space around
8	way, you have territor
9	Q Is it poss
10	behavior on sidewalks?
11	A Sometimes
12	Ω Is it poss
13	in a small block area:
14	A What behav
15	Q The behav
16	work and perhaps comm
17	A Again som
18	depends on the people
19	Q But there
20	a phenomena? It may
21	A I don't t
22	concept of territori
23	people have about the
24	they are not geese or

A Yes and no, depending on how you define the term. If you take the biological term, the biological term has to do with the dividing up of a territory for animals to share the available food, in that sense no.

Gans-cross

In the sense that people want to preserve a private space around them if at all possible in the sub-way, you have territorial behavior in the subway.

- Q Is it possible to find that kind of territorial behavior on sidewalks?
 - A Sometimes yes, generally no.
- Q Is it possible to find that kind of behavior in a small block area?
 - A What behavior are we talking about?
- Q The behavior of people who live and reside and work and perhaps commute to or through an area.
- A Again sometimes yes and sometimes no. It depends on the people on the block.
- Q But there is such a concept and there is such a phenomena? It may or may not apply?
- A I don't think you can take the biological concept of territoriality and translate it into feelings people have about their block. As I said before, they are not geese or elephants or monkeys.
 - Are you familiar with the concept of turf?

Gans-cross

3/29

T4am

GWjw 1

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1	pgb-11 Gans-cross 3717
2	different areas. If you wsk them to name their neighbor-
3	hood and there is an eccepted name somebody asks me where
4	I live and I say Morningside Heights, because that is what
5	the area has been called, but if you ask me what the neigh-
6	borhood is and you ask my neighbor what the neighborhood
7	is, you are likely to get very different answers. Neigh-
8	borhood is in that sense a subjective thing.
9	Q It is possible for people to think of a small
10	area as their neighborhood?
11	A Yes.
12	Q And to react differently to other small areas
13	as other neighborhoods?
14	A Yes. But it is also that other people may
15	define the neighborhood as much larger.
16	Ω I understand that. But some people can define
17	it as a small area.
18	A There is intense variation.
19	Q Within a 20-square block area is it possible
20	to have several neighborhoods?
21	A As I said before
22	Q Answer me yes or no on that.
23	A It depends I am sorry. I can't answer that.
24	It depends on the definition of "several." If every person
25	defines his own boundaries you might get as many neighbor-

1	pgb-12 Gans-cross 3718
2	hoods as there are people.
3	Q If there were groupings within them there might
4	be several areas within the area?
5	A If people agree on boundaries then there would
6	be several. If there are 100 people, otherwise, you
7	might get 70 to 100 different definitions of what a neigh-
8	borhood is.
9	Q Would you say a block association is in some
10	sense a common agreement of the definition of a neighbor-
11	hood?
12	A It is for those people who join it. Most people
13	in many blocks don't belong to their block associations.
14	Q For those people who do it is an identifiable
15	neighborhood?
16	A I don't know. They it is their block.
17	Q Is it possible the people on one block think
18	of themselves differently than people in connection with
19	another block?
20	A People have many different definitions of one
21	neighborhood. If you live on one block and you have small
22	children and you regularly go to a park three blocks away,
23	you may think of that park as part of your neighborhood.
24	If you are childless and don't use that park,
25	then you may think you prob ably don't think it is a

neighborhood at all because you don't spend much time at home, you spend time enjoying the cultural facilities of the city. Q Is it true that neighborhood then is a very complex concept?
home, you spend time enjoying the cultural facilities of the city. Q Is it true that neighborhood then is a very
Q Is it true that neighborhood then is a very
Q Is it true that neighborhood then is a very
gompley concent?
Complex concepts.
A Yes.
Q As a professional, if you were trying to study
a neighborhood, would you give significant attention to
all of the factors in that complex equation?
A As a professional I would study a neighborhood
in order to find out what people think a neighborhood is.
If you asked me if I study the district and I study the
boundaries, then I would determine what is relevant to be
studied in those boundaries.
Q Would it be possible to give you the boundaries
of an area and ask you to ascertain the neighborhoods
within it?
A Of course.
Q Thank you.
Are you familiar with the concept of neighbor-
hood stability?
A Yes.
Q Can you tell us what the elements of neighborhood
stability are?

	pgb-14 Gans-cross 3720	1
1		-
2	A The elements of neighborhood stability are	
3	whatever factors exist to keep people who now live in the	-
4	neighborhood in that neighborhood or in that area to live	Contradition of the
5	in that area.	
6	Q What might some of those factors be?	
7	A The list is endless.	
8	Q Give us a dozen items.	
9	A It could be an area where people have lived	
10	a long time, they have broken up there, they have made	
11	most of their friends there. It could be an area where	
12	people have the same ethnic background, say an American-	
13	Italian community like Little Italy, which has stayed stabl	Le
14	for a good long time.	
15	Maybe it is an area where people have good	
16	housing and a good location and good services and good	
17	transportation and they want to stay there.	
18	Among poor people who have very little choice	
19	of housing the neighborhood may be stable because people	
20	simply have no other place to go.	
21	For old people a neighborhood say a neighborhood	r
22	hood that is located near a hospital, that will attract	
23	and maintain a stability of old people because old people	
24	want some old people want to be near a hospital.	
25	Different people make different moving decision	n

1	pgb-15 Gans-cross 3721
2	with different priorities. There are people who stay
3	in an area because they want to be within walking distance
4	of the Broadway theatre.
5	People who work in show business and
6	. O You are beginning to wander.
7	A You are asking me for a dozen factors and I
8	gave you a dozen.
9	Q Continue with those factors.
10	THE COURT: If you don't mind, list them rather
11	than embellish them, if you can. You have given us
12	examples. That makes it clear.
13	Are there any other factors you can list or
14	give examples of?
15	THE WITNESS: I think I have listed the major
16	ones.
17	Q You are suggesting it is not an endless list,
18	as you so testified?
19	A I said I have listed the major ones. For a
20	specific area, you know, human beings are very different.
21	They have different reasons for living in a neighborhood
22	and they have different reasons for staying. If you study
23	actual areas you will get a large variety of reasons why
24	a neighborhood remains stable.
25	Q This is an important point. I wish you would

1	pgb-16 Gans-cross 3722
2	list also some minor points.
3	A You see, it is very difficult to talk generally.
4	If you ask me about specific neighborhoods it would be
5	easier.
6	Q I am not asking about specific neighborhoods,
7	sir. I am asking you in your experience as a sociologist
8	what are the major or minor elements of neighborhood
9	stability?
10	A I have told you.
11	Q You have told me the major ones. You have
12	also said there are other minor ones.
13	A An example of a minor one is the last one I
14	gave, that people want to be close to a theatre.
15	Q Give me some more.
16	A They want to be close to certain kinds of
17	shopping facilities.
18	They want to be close to transportation facilities
19	This one is hard to condense but one of the
20	things we found is that older members of an ethnic group
21	may stay in the old neighborhood because as their children
22	move out to the suburbs they are centrally located and
23	can visit one one Sunday and another another Sunday, in
24	other words, centrality of location because of centrality
25	of transportation in order to be accessible to visit one's

Justinano-direct

pgb-17

children.

Gans-cross

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Poor people have to stay in a neighborhood.

For them it is a major reason because of the availability of public transportation so they can get to their job.

If their job ends and they are left off, then they can get to other jobs.

That is one of the major reasons you find populations of poor people, for example, in the center of cities near where the major transportation lines are.

Because they are generally condemned to unstable jobs they have to be near the center of transportation so they can go almost any place where a job might be available.

Q If you were doing a study where neighborhood stability was an issue, would you consider, or try to consider, the whole range of issues you have just raised?

A If I was doing a study I would see who had moved out, who was coming in, who had moved out, why they had moved out. This would be a reason which might in the future affect other people who were coming in. What the relations were between those in the neighborhood and those coming in.

How people evaluate their own neighborhood.

What alternatives there are for other housing, whether they can afford it, whether they want to live there.

gwjw

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people are going to move from where they presently live or are not going to move. I don't understand what you mean by the words "site alternatives" --

range of things you have just testified to?

As a sociologist I would ask people what reasons

Justinano-direct

gwjw

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1	pgb-18 Gans-cross 3726
2	attitude.
3	I would think it had nothing to do with neighbor-
4	hood stability, because people don't move
5	Q Are there conceivably some community attitudes
6	that do affect neighborhood stability?
7	A I would think so.
8	Q What might they be?
9	A One would be if people find an area which has
10	vastly superior housing, vastly superior facilities, at
11	a much higher price than they could afford, then they might
12	move out as a group to that new neighborhood. This has
13	been the history of American cities. This is why neighbor-
14	hoods change. People earn more income. A community
15	of individuals who talk to each other, they decide they
16	can afford better housing and improve themselves, they move
17	to a better neighborhood, Of course them stability
18	ends.
19	Q Might people's fears of crime affect neighbor-
20	hood stability?
21	A If the fear, as I testified earlier, is intense
22	to the point it becomes so traumatic, so all-encompassing,
23	that no other considerations are being taken into account,
24	then yes.

That is the only way fear would affect a person s

Justinano-direct

gwjw

Yes, of course.

Gans-cross

Q Can I sum up --

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End 3

THE COURT: We are not talking about a concentration of fear that you illustrated quite effectively might
result in a tipping. We are not talking about that.

He wants to know whether, as a general proposition, entertainment by tenants of a certain amount of fear, would
that affect the neighborhood? That is a factor?

fearful, it is part of city-living. Whether the fact -neighborhood stability is a much bigger question. Unless
that fear is so all-encompassing that they are unable to
think of the advantages of their present location, then
fear of crime is not a factor in neighborhood stability.

Let me be personal for a moment and talk about ... my own neighborhood, Morningside Heights.

Like the rest, the rates of crime have gone down in the last couple of years. A couple of years ago there was an attitude of fear in the sense that people would not walk around by themselves at three o'clock in the morning. But there was not a single person among my friends, and I have lots of friends in that area where I live, who would think of moving out. The advantages of living there are so manifold that they vastly outweigh the fear of crime, and, besides, the fear of crime exists almost everywhere in American cities.

SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE FOLEY SQUARE, NEW YORK, N.Y. CO 7-4580

adjective before the word "environment," the word en.. onment doesn't mean anything.

- Try the adjective human environment.
- It means environment that has people in it. I

SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE FOLEY SQUARE, NEW YORK, N.Y. CO 7-4580

gwjw

GWjw 1

T4am

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1	gwjw Gans-cross 3730
2	can't think of one that doesn't.
3	Q Dr. Gans, are you asking the Court to believe
4	that you can't answer that question?
5	THE COURT: That's what he said.
6	Next question.
7	Q In dealing with the concept of environment in
8	an urban area, are there a large number of dimensions that
9	have to be considered?
10	A 'The word "environment doesn't mean anything
11	unless you tell me what you are going to do about that
12	environment or what the purpose of the definition is.
13	Q Let me ask you with regard to the West Side
14	Urban Renewal area, if you are studying the whole range
15	of the environmental issues in the West Side Urban Renewal
16	area, am I correct in suggesting to the Court that that
17	is a wide range of issues?
18	A In terms of current usage, the word environ-
19	ment means the physical environment, the ecology. The
20	way the term has been used in legislation recently,
21	environmental studies have been made which deal with the
22	effects of a change upon a neighborhood.
23	Q Do you know how the term has been used in
24	legislation?
25	A From my general knowledge. I am not a lawyer.

1	gwjw Gans-cross 3731
2	I don't write legislation, but this is how the term has
3	been used in the last few years
4	Q Does it include polution?
5	A Yes.
6	O If I told you that the HUD definition of environ
7	ment included social, cultural, aesthetic and physical
8	dimensions, would that refresh your memory?
9	A I don't know the HUD regulations.
10	Q I am suggesting to you what they are and
11	I will let the gentleman from HUD suggest that is not the
12	case. Their sitting silent suggests to me it is the
13	case.
14	MR. LAND: Mr. Baker is doing his own cross-
15	examination. I don't think I need to assist him.
16	THE COURT: All right.
17	Q I show you, Dr. Gans, the federal register
18	THE COURT: We don't question it. There it
19	is, doctor. It's called to your attention.
20	THE WITNESS: If he sees it exists, of course.
21	THE COURT: What do you want him to say with
22	regard to it?
23	Q Would you subscribe as to the statement
24	that there are a large range of to environment?
25	A If HUD decided that is how they will define it

HUD's activities don't have an impact on

MR. BAKER: May Ihave a moment?

(Pause)

Dr. Gans, have you done any surveys or academic research in the West Side Urban Renewal area?

MR. LAND: That question was asked before.

THE COURT: Yes, you have. You got a negative You have, haven't you?

I have done informal observation. I have not done a formal survey.

MR. BAKER: Thank you, Dr. Gans. I have no

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CARLO JUSTINANO, called as a witness by the Government, being first duly sworn, residing at 100 West 93rd Street, New York, New

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that you are under oath and all I want is yes or no to questions unless they call for an explanation, and you recognize that in a Court you cannot speak as freely as you might outside. Just keep within the orbit of questions, will you.

THE WITNESS: Yes, sir.

Mr. Justinano, you think you may have already given it but would you state for the record where you

Justinano-direct

gwjw

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3/49

What sort of apartment do you have there?

Q Do you also earn overtime?

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A Yes, sir. I don't know what the adjustment will be for next year, but last year I made \$16,000 and

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Q What prompted you to move to that building?

A Well, I came to New York when I was six months old. I lived on the west side all my life. My family

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1950 -- and we lived there until about 1966 at the time

gwjw		Jus	tinano-d	irect		3739
they	instituted	the Urban	Renewal	program,	and I	remember
read:	ing and tran	nslating 1	iteratur	e from my	parent	ts,
diff	erent forms	. We had	to move.			

- Q Urban Renewal came in about 1966 and made you leave the place you were residing at that time?
- A Yes. I later learned the program had been instituted prior to that but it didn't affect us until that time.
- Q You were then what in Urban Renewal terms would be called a relocatee?
- A Yes, sir. When we got the information from Urban Renewal, one of the things that I remember in translating a lot of information for my parents was that we would return once housing was available on the site was it was developed.
- Q You received that impression you had a right to return from various governmental agencies is that what you were saying?
- A Yes. Even to this day my mother and father,
 they don't speak the language very well, so it was either
 myself or my elder sister that did most of the translating
 in any dealings with the city or any problems that necessitated
 translation. It was either myself or my older sister.
 - Q So when you left the 90th Street apartment in

gwjw

Justinano-direct 1 gwjw Three to four I THE WITNESS: 2 know of 3 directly. Do you know of others? 5 Yes, but not in a definite sense. 6 Where are some of the people that you know 7 living now? 8 Well, because of economic factors, most of the 9 people moved where poor, we are restricted as to where 10 we could go. You speak of the South Bronx, where most of 11 the people I know who moved from my neighborhood moved to 12 the South Bronx and some in Bed-Stuy. 13 Q In a sentence or two, what are the conditions 14 under which they are living now in the South Bronx and 15 Bed-Stuy? 16 In one word, depolorable. 17 You are telling us for virtually all your life 18 since you came to this city from Puerto Rico, from 1966 19 to 1972, you lived on West 82nd Street, for all this 20 period you lived in or near the Urban Renewal area? 21 A Right, with the exception of four years that 22 I spent in the Marine Corps I have lived from 82nd 23 Street until 93rd Street where I live now. I have never 24 lived outside that radius. 25

When did ou join the Marines?

1	gwjw Justinano-direct 3742
2	A Well, I joined the Maine Corps in 1959 and I
3	served honorably for four years until 1963.
4	Q You received an honorable discharge?
5	A Yes, I did.
6	Q Mr. Justinano, what schools did you attend?
7	A I attended P.S. 9 on West 82nd Street, P.S. 93
8	on West 93rd Street, Joan of Arc, P.S. 118 on West 93rd
9	Street, and Charles Evan Hughs on West 18th Street.
10	Q Charles Evan Hughs is a high school?
11	A Yes.
12	Q Did you receive a high school diploma?
13	A No, sir. I am a high school dropout.
14	Q So except for your time a Charles Evans Hughs
15	you always went to school within or near the West Side
16	Urban Renewal area?
17	A Yes, I did.
18	Q Very briefly, would you tell us what conditions
19	were like in this area back in the '50s?
20	A Well, sitting back, I was looking at the
21	gentleman before me. I heard him speak of turf mentality,
22	or whatever the term was. It was a gang thing on a
23	youth basis. It carried over with our parents because
24	basically our parents were, you know they stayed home and
25	we were their extension to the street. So our mentality

Sanderson-direct

don't remember anybody getting shot. I remember people

is a point in itself. It comes with age, of course, but
I can come down here freely. I think most of the people
in our community have achieved this. We come and go as we

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A I believe there are about 272 units in the building and I must have spoken at one time or another to a good 75 percent of them.

- Q Do you also see the inside of their apartments?
- A Yes, sir.

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Q About what percentage of the apartments in the

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Q Have you ever seen any apartment in Leader
House that you would feel uncomfortable walking into
because of filth or excessive untidiness in the way the
apartment was kept?

Justinano-direct

gwjw

A No, sir. I would like to say something -THE COURT: Please don't. Next question.

Q What impression -- maybe I had better ask you to make that answer clear. What sorts of conditions might prompt you to feel either uncomfortable in an apartment or not want to go in there at all?

A The only time I have ever felt uncomfortable going into an apartment is where I knew the people were excessively poor and they made me feel uncomfortable because I knew they didn't want me in, but not because the apartment was filthy or anything like that, it's because they are proud and they were actually concerned about what opinion I might form because there might have only been a chair and a couch in the apartment, even though it was clean. There was a degree of pride in there.

What observations have you made or what perhaps have you heard about the building with regard to narcotics activity in the building?

A On two instances in my capacity as vicepresident of the Leader House Tenants Association I sat down with Rafaeland a couple of other people.

Q Identify the person you are speaking about.

A Rafael Sifonte. We sat down and we discussed some of the -- two alleged suspicions that he had.

1	gwjw Justinano-direct 3748
2	Q Let me interrupt one more minute, please.
3	Is Mr. Sifonte the superintendent of the
4	building who has already testified in this case? Is
5	that the same Mr. Sifonte?
6	A Rafael Sifonte is the former superintendent
7	in our building.
8	Q Fine. Continue, please.
9	A One was suspicion of one of his employees
10	being involved in dope dealing, and it involved a
11	tenant. The other was
12	Q Did anything result from that by way of
13	arrest?
14	A Not that I know of.
15	Q Did anything result that you know of from the
16	suspicion of Mr. Sifonte's employee by way of arrest?
17	A No, I don't believe so. I didn't hear any-
18	thing.
19	Q And you were about to describe the other
20	incident you heard of of narcotic activity?
21	A The other instance we spoke of is where the
22	building handyman went in to do repairs and inadvertently
23	found or thought he saw drugs.
24	Q Do you know if this resulted in any police
25	activity?

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Have you heard of any other burglaries in the

and surprised him and he took off.

Crystal-direct

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So we attempt to check them out and it's a question of

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judgment.

A We had one other problem and it's an opinion, of course. There was a degree of adjustment that had to be made between employees and tenants. For the longest time a lot of the tenants had the feeling that there was a superiority thing coming down on the employees part.

Q The employees feeling superior to tenants?

Mhen I spoke of the adjustment, one of the problems we had was that you took somebody out of a tenement and put them in a high-rise, how does he react to a doorman. He is used to walking five stories and going through the whole changes. Now he has got somebody who is opening the door, who in some instances might be making more than he did or she did, or whatever the case might be.

Q Are you saying there is some uncomfortable relations between people?

A Between tenants and employees for a while,
yes, there was. Our other problem was lack of security.
We had doormen where we needed a guard. A doorman
open a door regardless of who it is. He didn't have to
question the individual. We sat down with management and

Crystal-direct

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can go to work. I know my family is safe. I am secure

in that I can come home and I can take pleasure in what

we do with your testimony, this is a refreshing story of how a fellow can pick himself up and get places.

THE WITNESS: Thank you.

(Witness excused)

MR. DOUW: My next witness is Shirley Sanderson.

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1	gwjw 3754
2	SHIRLEY SANDERSON, called as
3	a witness by Strucker's Bay, being first duly
4	sworn, residing at 105 West 96th Street, New York,
5	testified as follows:
6	THE COURT: Miss Sanderson, you have been
7	in the courtroom I noticed, and you undoubtedly heard
8	me say to witnesses about how they should speak up and
9	just a swer yes or no wherever possible and if you do
10	not listen to me, I am going to declare a recess. So
11	please keep within the rules of law. Will you do that?
12	THE WITNESS: I will.
13	DIRECT EXAMINATION
14	BY MR. DOUW:
15	Q Where do you reside?
16	A 105 West 96th Street, New York.
17	Q Is that the so-called R & A House?
18	A Yes, it is.
19	Q How long have you lived there?
20	A Seven years.
21	Q Seven years?
22	A Yes.
23	Q Where did you live previously?
24	A In Brooklyn.
25	Q Why did you move to your present address in

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THE WITNESS: I have been a registered nurse for 30 years and have been a program research analyst for

eleven and a half years for the city, for the Health

THE COURT: Thank you.

You mentioned tax abatement. What did that Q

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Yes.

1	gwjw	Sanderson-direct	3757
2	Q	By bus or subway?	
3	A	Bus and subway.	
4	Q	R & A is a cooperative, is it not?	
5	A	Yes. *	
6	. 0	Are you on the board of directors?	
7	A	Yes, I am.	
8	Q	How long have you been on it?	
9.	A	Four years.	
10	Q	Have you held any offices?	
11	A	I have always held an office, either vic	ce-
12	president	or honorary president or chairman.	
13	Q	Where is R & A House located in relation	n to
14	Site 4?		
15	A	Well, we are directly opposite 4. Part	of
16	Site 4 is	directly opposite. Otherwise you could s	ay
17	it was (al	f a block away.	
18	Q	Are you concerned about the construction	of
19	low income	public housing on Site 4?	
20	A	Not at all.	
21	Q	Are you concerned about construction of	low
22	income pub	lic housing to be built on Site 30?	
23	A	Not at all.	
24		THE COURT: Would you mind asking her t	
25	explain the	at, or I will?	

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Would you develop it, what prompts this lady to say not at all?

Q Could you explain your reasons why you are not concerned?

Yes. I will. I can specifically represent it because it is the platform that I have run on at election time to be elected or onto the board of directors. We are primarily concerned with the high cost of building and of the high rentals that are coming into the area which has defeated our motivation for having moved -some of our motivation for having moved into the area to begin with. The presence of low income families or buildings which cannot be complexes because they are vestpocket areas doesn't intimidate us or present any element of fear to us such as the high or the very steep arbitrary increases that Mitchell-Lama residents have been subjected to. We are very much concerned with the \$100 a room and \$125 a room much more so than having relocatees come back and live in the area. frefer that.

Q Either at the time that you learned of the area through the Times article or any later times, what was your understanding of the city's commitment to provide moderate income housing?

A Well, as it was stressed in the Time article
and as I followed it up in Board of Estimate minutes which
I read on my own time --

MR. MORRIS: In view of that, I don't think a proper foundation has been laid for this woman's know-ledge or information about that and I will object to it.

THE COURT: I am just interested in her personal views. I think there is enough there to warrant it. Objection overruled.

A I am sorry.

THE COURT: You said the Board of Estimate minutes that you read --

A The Board of Estimate made it possible to moderate income people to move to that particular area and at the time that I applied I was making \$6800 a year. That was the nurse's salary. By the time I moved in, I was making \$7200. Now with income limitations of \$44,000 in the area I am terrified.

THE COURT: There is an answer.

Q Do you consider yourself a person of moderate income

A Yes, I do.

MR. DOUN: Thank you. No further questions.

THE COURT: Mr. Land, anything?

tinuing belief that we will be through with testimony in

this entire case, both sides, by the close of next Tuesday, which is May 21st.

MR. LAND: That's correct, your Honor.

MR. DOUW: That's correct.

THE COURT: Am I glad to hear them say it on the record. Up to now they have done is casually.

But now I have a commitment. Is that correct, Mr. Morris?

MR. MORRIS: Yes. May we know what hours we will sit on Monday and Tuesday?

THE COURT: Monday at noon until the close of the afternoon, and Tuesday I am willing to start in at 9:00 o'clock and go the whole day and the whole evening because of your splendid cooperation.

MR. LAND: Monday is starting at noon, your Honor?

THE COURT: Yes.

MR. LAND: We might have scheduled witnesses for the morning.

THE COURT: Every Monday has been noon.

MR. LAND: No problem, your Honor.

THE COURT: Gentlemen, thank you. Have a good weekend. Refresh yourselves a bit, only just a little bit, because you have plenty of work to do.

THE CLERK: All rise, please.
(Adjournment to Monday, May 20, 1974, at 12:00 Noon)

AL

WITNESS INDEX

- 1					
	Name	Direct	Cross	Redirect	Recross
	Milton Mollen	3669			
	Herbert J. Gans	3690	3708		
	Carlo Justinano	3734			
	Shirley Sanderson	3754			
		EXHIBIT INDEX	Κ		
	Defendants	Identi	ificatio	In on Eviden	ce

Trinity Episcopal School Corp.

vs.

71 Civ. 4315

George Romney, et al.

New York, New York. May 20, 1974 - 1:10 P.M.

(Trial resumed.)

gentlemen. I had something to take care of.

Please proceed.

MR. DOUW: Your Honor, may I ask you something?
We have three witnesses starting now. Congressman Badillo
is arriving into Kennedy Airport at four o'clock and we
would expect he would be here about five o'clock. If
your Honor has no objection, I wonder if we could bring
him in at that time for his testimony even though we may
be through in mid-afternoon.

THE COURT: How long will his testimony take?

MR. DOUW: As far as his direct examination
is concerned it will be five or ten minutes.

THE COURT: Is it all right with you, Mr.

Morris?

MR. MORRIS: Yes.

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THE COURT: I take it it is all right with your colleagues on your side.

MR. DOUW: Thank you, your Honor.

MR. LINER: I call Samuel Crystal, please.

SAMUEL CRYSTAL, called as a witness by the City, having been first duly sworn, was examined and testified as follows:

THE COURT: Mr.Crystal, will you please raise your voice so we may allhear you and will you be good enough just to answer the question put to you.

THE WITNESS: Yes, your Honor.

DIRECT EXAMINATION

BY MR. LINER:

- Q Mr.Crystal, where do you presently reside?
- A 1491 West Avenue, Bronx, 10462.
- Mr. Crystal, where are you presently employed?
- A I am retired.
 - Q Prior to your retirement, where were you employed?
- A I was employed in the office of the Comptroller of the City of New York.
- Q And in the Comptroller's office what position did you hold?
 - A I was Chief of the Division of Housing Audits.
 - Q As chief of the Division of Housing Audits, what

were your duties?

A We examined the records of certain MitchellLama housing projects and of the Housing Authority for the
purpose of determining whether these projects were selfsustaining in order that the indebtedness incurred by the
City of New York for the construction of these projects
could be eliminated from the debt-incurring limitation.

We also examined the books of existing housing within certain urban renewal areas, one of which was the West Side urban renewal area, and we also carried out special assignments relating to housing which were assigned to us by the Comptroller or by the First Deputy Comptroller, James D.Carroll.

Q So in the Comptroller's office you came in contact with the West Side urban renewal area?

A I did.

Q Would you please explain what that contact was?

Lama projects within the West Side urban renewal area for the purpose of this exclusion of bonded indebtedness and also the examination of the records of the City Urban Renewal Management Company which operated these projects for the City of New York. The existing buildings were being operated prior to demolition.

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fication.

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Q Did you have any special assignment?

A We also received special assignments on the West Side urban renewal area from time to time.

Q I show you a copy of Plaintiffs' Exhibit 47
for ident cation. Do you recognize it?

A I do.

MR LINER: May I give this to your Honor to look at, please? He is going to go through the numbers.

THE COURT: Thank you very much. 47 for identification. If you are going to have him go through the numbers you have to offer it in evidence. You can't do it with a paper that is marked for identification. Are you offering it?

MR. LINER: Yes, I so offer it.

THE COURT: Show it to your opponents.

Do you know what he is talking about?

MR. MORRIS: I would like to see it.

(Counsel confer.)

MR. LINER: I am going to use Mr. Morris' copy.

THE COURT: I heard that. I want to know how

that has been heretofore marked.

MR. LINER: Plaintiffs' Exhibit 47 for identi-

THE COURT: Fine.

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Mr. Morris, I take it there is no objection.

MR. MORRIS: No objection.

THE COURT: Mr. Liner, you will have to have the clerk mark that.

(Plaintiffs' Exhibit 47 was received in evidence.)

Q Is that a report you prepared in the Comptroller's office pertaining to the West Side urban renewal area?

A It is.

Q On the report you will notice some penciled in notes, Mr. Crystal. Is that part of your report?

A No. The typewritten material is mine. I don't know where the other information came from.

THE COURT: As I remember it -- if I don't, correct me -- 47 in evidence is only the typed material.

MR. LINER: That is correct.

Q Could you briefly explain how you compiled the data you used in the report, Mr. Crystal?

A We obtained the information about welfare tenants from the Welfare Maintenance Center of the Social Services Department of the City of New York. We obtained the information relating to the Housing Authority from a booklet which is put out by the Housing Authority semi-annually indicating its projects and the number of tenants,

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number of apartments and information to that effect.

On the existing buildings we obtained that information from the Housing Development Administration which, as I pointed out before, were existing buildings which were being managed by the City Urban Renewal Management Corporation for the account of the City of New York, which buildings were managed by the City prior to their vacating and demolition.

Would you briefly explain what the purpose of the report was?

This was a study which I was instructed to prepare by James Carroll, the First Deputy Comptroller, to indicate the nature of the tenancies within the buildings contained in the West Side urban renewal area.

Do you remember a mesting you had in the fall of 1973 with Mrs. Lisa Liebert?

> I do. A

Who was present at that meeting?

Mrs. Liebert, myself and a member of my staff, Mr. Nat Warren.

And what did that meeting concern?

Mrs. Liebert came in to obtain the results of the study which my staff had made of the tenancies within the West Side urban renewal area.

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Q Did Mrs. Liebert take notes at that meeting?

A I believe she did, because I furnished her with some paper.

Q I show you Plaintiffs' Exhibit 46 in evidence.

Do you recognize this?

A Yes, I recognize the sheet of analysis paper which I gave her.

Q Is Plaintiffs' Exhibit 46 a copy of the notes which Mrs. Liebert took at that meeting?

A They appear to be.

THE COURT: That is all he asked.

THE WITNESS: They appear to be.

Q When Mrs. Liebert came to the meeting, did she have information of her own as to the number of housing units within the West Side urban renewal area?

A She did have certain statistics with her.

Q When a question arose as to the accuracy of either her numbers or your numbers, how did you dispose of that question?

A I indicated to her these were the results of my study and that I stood by these figures.

THE COURT: You are referring to 47 in evidence?

THE WITNESS: Right.

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Q Upon your review of Plaintiffs' Exhibit 47
in evidence which was requested of you by the Corporation
Counsel, have you found any inaccuracies in that report?

A I did.

Q Can you briefly for the Court go over each inaccuracy one by one and explain it to the Court?

A Yes. In the heading where the Deputy Comptroller is addressed, it says there are 5631 apartments in the area.

That should be changed to 5745.

THE COURT: Take it slowly, please. Five thousand what?

THE WITNESS: 745.

THE COURT: Thank you.

A Under Mitchell-Lama the 3942 apartments should be changed to 4056.

The number of apartments occupied by tenants receiving public assistance should be 904 instead of 1066.

The next line, 260 leased public housing units

THE WITNESS 750 instead of 264.

THE COURT: It says 260.

The next 23 welfare tenants should be eliminated in its entirety because it is contained in the 423.

THE COURT: Give me a chance to make that note.

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THE WITNESS: 158 should be stricken.

THE COURT: Mr.Crystal, I have got it, but give me a chance to note it.

Thank you.

A The next line, 423 welfare tenants should remain.

MR. MORRIS: Pardon me. May I ask what about the

THE WITNESS: That should be stricken.

THE COURT: It is absorbed in the 423, is that right, Mr.Crystal?

THE WITNESS: Yes, sir.

The 221 State Capital Grant tenants should remain, which would make a total of 904 in Mitchell-Lama buildings.

THE COURT: Instead of 1066.

Q Excuse me, Mr.Crystal. Can you now go over the percentage changes?

A Yes. We also made changes in percentages.

ON the second line under Mitchell-Lama where it says 904 occupied by tenants receiving assistance, the percentage should be changed from 27 per cent of 3942 to 22.2 per cent of 4056.

THE COURT: What was that -- 22 -- what?
THE WITNESS: 22.2 per cent of 4056.

ON the next line, 260 leased public housing instead of 3094 should be 6.4 per cent of 4056.

On the line 423 welfare tenants, the percentage should be 10.4 per cent of 4056 instead of 10.7 per cent of 3942.

On the next line, 221 State Capital Grant tenants, it should be 5.4 per cent of 4056 instead of 5.6 per cent of 3942.

On the line for the total, instead of 1066 we have 904, which represents 22.2 per cent of 4056 rather than 27 per cent of 3942. The figures for the Housing Authority should remain as they are and for existing buildings they should also remain as they are.

On the next line it says altogether there are 5631 artments. That should be 5745 apartments.

4056 Mitchell-Lama instead of 3942. The figure for the Housing Authority 1294 remains the same.

The figure for 395 in existing buildings remains the same. But the total is now 5745 instead of 5631.

Now, on the next line, of the total 5631, that should be 5745, and the 1727 should be 1565 are occupied by tenants on assistance of some kind, and the figure should be 28 per cent of the 5745 instead of 30.7 per cent of the 5631.

	1	gwb Crystal-direct 3773
	2	On the next line, the 1066
	3	MR. MORRIS: Just a moment. 30.7 was what?
	4	THE WITNESS: Of the 5631.
	5	MR. MORRIS: What should it be?
	6	THE WITNESS: 28 per cent of 5745.
	7	On the next line instead of 1066 Mitchell-Lama
	8	it should be 904 Mitchell-Lama, 502 Housing Authority
	9	remains the same and 159 in existing buildings remain the
	10	same but the total is now 1565 instead of 1727.
	11	The percentage is changed from 30.7 per cent
	12	of 5631 to 28 per cent of 5745.
	13	Those are all of the changes.
	14	The bottom part, in construction, that remains
	15	the same, 159 low rent public housing, and the figure
*	16	for the in-planning remains the same.
End 1	17	
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the welfare tenants.

The HDA should know the number of 236 and 221D3 tenants they have.

MR. MORPIS: Your Honor, I presented to counsel this afternoon a list of statistical figures that have not as yet been introduced into evidence in this case. I have requested of the City that the following information is requested of defendants in connection with the West Side urban renewal area.

(1) The number of welfare families in middle income housing which this witness just testified is available.

We have not as yet received that information.

- (2) The number of welfare families in low income housing, that is the 30 per cent, and the other low income housing in the area.
- (3) Is there information available on the ethnic breakdown of welfare families?
 - Q Do you know that?
 - A I don't know whether there is .

MR. MORRIS: I am requesting that information, if it is available. I request it be made available to us.

THE COURT: We have to see what the City has to say.

What about it, Mr. Liner?

MR. LINER: I object to Mr. Morris' request based upon the fact that the City's records were made available to him. He subpoenaed the records and the records were made available to him.

After a proposed settlement was in process

you said the Court was open to any motion either party could

make. This information could have been made by discovery

motions. I think that was the appropriate time to ask

for that information. Since the case is now coming to an

end, this should not be requested of the City.

MR. MORRIS: I had an arrangement, your Honor, with Mr. Gold that he and the other attorneys were to stipulate with respect to this information.

Also, the income limits applicable to 236 housing as of 1971 to the present time and the income limits applicable to public housing as of 1971 to the present time, as well as the number of squatter families and various other items which Mr. Gold and I discussed. I told him I wanted this information and he agreed that he would produce it.

Nothing has been produced thus far in the rial and I respectfully request that such information be produced by the City.

One more word, your Honor: In order to get a clear picture of what is involved in this situation, those statistics are important to the case. The only place those statistics can be obtained is from the City, the HDA, as this witness has testified.

We have had people check the records of the city and we have gone through those records in great detail and we have adduced proof as to whatever we were able to get. But there is additional information that the Court should have available to the in order to determine this matter.

At one of the meetings during the settlement conferences that Mr. Liner referred to, a specific set of questions concerning this information was asked of the City and Mr. Gold agreed to furnish that information to all of the attorneys. He never did. That was never furnished to us. I kept asking him during the trial where is that information?"

And he kept saying he has not been able to get it yet; he will get it.

all I as asking for now has been what has been repeatedly asked for from the beginning of trial, through the settlement discussions, and through the completion of the trial now.

I assume that that information is information only available to the HDA. It can only be obtained from them, as this witness has testified, We have made every effort to get it and have been unable except in some respect to which we have adduced testimony.

But it does not give the Court the complete picture and we respectfully submit that that information should be forthcoming from the City to help the Court in determining this matter.

THE COURT: As you know, Mr. Gold, unfortunately, has a tragic situaton in his own life. It is rather hard to interfere with respect to a concern that is primary with him, and naturally so right now.

I presume that when Mr. Gold gets back on his feet, so to speak, he will be able to answer you and tell us what he has obtained, and if we find you did have such an understanding, and I am not questioning you, except I think we ought to hear from Mr. Gold -- it is unfair to ask Mr. Liner to step in on that -- I think that if we should decide this material that you mentioned should go in, there is no reason why the trial itself should be held up. There will be a ruling that at such time that should be introduced and made a part of the final record. We don't have to hold up these witnesses right now.

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MR. MORRIS: That is acceptable.

of us will, and we will try to work out something.

In a general way I don't know whether I agree with Mr. Morris that I need all of that material in detail, but it may very well come to pass that he will be shown to be correct, and if that is the case I ought to have it.

By the way, we should have the record show that during the negotiations referred to here I had said repeatedly, and the other day you all nodded assent that: your memory was in accord with mine, that during the negotiations I emphasized you should carry on the work of preparing for trial and when the trial resumed, there were no motions made by anyone.

That was a very substantial period that
elapsed, and no motions were made of any kind. And I
should think offhand, Mr. Morris, if you didn't get the
material by the time we resumed you should have really called
it to my attention and I would have then gone into it
when Mr. Gold would have been able to respond.

However that may be, I don't want the record to file to encompass that which should be a part or the total trial record.

Have you anything further?

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THE WITNESS: May I say one thing?

THE COURT: You are volunteering.

THE WITNESS: When I testified to the fact that these things should be available from the HDA, I am not certain whether they keep those records.

THE COURT: You said "should be."

THE WITNESS: They ought to keep them. Whether they have them I don't know.

THE COURT: Certainly.

THE WITNESS: Mr. Morris said I testified to the fact that they were available. I am not testifying to that. I say if anyone should have them they should have them.

THE COURT: I so understood from your testimony that is exactly what you meant.

Is there anything further?

CROSS-EXAMINATION

BY MR. DOUW:

Q Mr. Crystal, when you use the word "welfare,"
do you mean all of the programs that come under the general
term "welfare"? By that I mean aid to families of
dependent children, home relief, and so forth.

A When Mr. Warren went to the income maintenance center we asked them for people receiving public assistance.

From '63 until I went to the Division I was

And before that?

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pgb-10 assistant director of the New York State Housing Finance AGency.

What did you do in that capacity?

I was responsible for the administration of the various programs of the agency which included the financing of middle income housing, financing of nursing homes and hospital construction, the financing of the STate University program, the financing of the State's mental hygiene program, the financing of two programs of tenant assistance. one the so-called Hope Loans Program, which is a mechanism wherein tenants are assisted to purchase into co-operative projects through a system which is rather technical, and the other system is the STate Capital Grant low rent assistance program where aid is flowed to tenants in Mitchell-Lama housing.

As State Commissioner of Housing and Community Renewal have you had contacts with the West Side Urban Renewal area?

My initial contact with that area came very proximate to the time I became acting Commissioner and there was a general review of management activities within the division.

At that moment in time we were examining the status of the two existing State-aided Mitchell-Lamas on the

West Side, Westgate and Central Park Gardens. We were reviewing the workings of the STate Capital Grant Low Rent Assistance Program.

Subsequentin October we started a series of meetings with the New York City Housing and Development Administration and we found that we had some surplus Federal interest subsidy funds available to us, and pursuant to an agreement with the City decided that the West Side urban renewal area was a desirate target area for the commitment of those funds.

Q First you mentioned interest subsidy funds.

Are those Section 236?

Yes.

Q Was a decision reached specifically as to how to apply this under your control?

A After reviewing a number of proposals with the City and considering a number of options to put this money in other parts of the State we concluded that the most desirable use of funds from both the City's and State's standpoint would be the completion of the West Side Urban project which had been in planning and execution for more than a decade.

Q Have you had contact with that area before becoming Commissioner of Housing and Community Renewal?

A Going back to the time I worked as a staff
member for the Joint Legislative Committee in Housing and
Urban Development, this goes back to the early sixties
and late fifties before I became an executive assistant
to the then Commissioner, I did take part in the drafting
of initial legislation that permitted the development of
the West Side urban renewal plan.

Q Did you have any contacts with that?

A After that I would say over the years I was in fairly continuing contact with the West Side Urban Renewal area because of the State's involvement in two Mitchell-Lama projects there, as I have mentioned, and because of the State's involvement in the administration of its Hope Loan and Capital Grant Assistance Program.

Q In other words, you had specific contact with projects within that area?

A Yes.

Generally, Commissioner, in your capacity as a Commissioner, how do you select sites for the application of Section 236 funds?

A Essentially we apply no different criteria to the selection of sites using 236 funds than we would for any other State-assisted project. We are looking for a

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pgb-13 project that would be stable, we are looking for a project that will be available because of the revenue bond nature of the financing that we administer.

Could you give us some more details as to what would go into your site selection decision?

We are looking essentially for sites thare in a stable neighborhood where you see a potentiality for a stable community.

We are looking for sites essentially that serve an economic and planning purpose in a city, access to transportation, access to major sources of employment. We are looking essentially for planning layout that will enhance the viability of the project.

We think all of these, for example, are very much present in the West Side Urban Renewal area at this moment in time.

How do you think your criteria for site selection compares to other housing agencies?

By reputation and practice they are far more restricted than most of the other housing agencies again because of the revenue bond nature of our financing. The bonds sold by the Housing Financing Agency, the proceeds of which are used to make mortgage loans to limited profit projects, are not guaranteed by the State and backed only by

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an indirect moral obligation. In order for us to proceed with a site we have to have assurance that there will be sufficient revenues generated by the project to pay the debt service on this type of loan.

Q Is this the reason neighborhood stability is important?

A Yes. One of the reasons that neighborhood stability is important, I think also here in the West Side urban renewal area, we are talking projects undertaken by profit-motivated sponsors who will participate to the extent of 5 per cent, 5 per cent equity in the project cost, and we are attuned to the needs and requirements of the profit-making sector.

Q Can you give us some detail as to what factors made you decide to give such a priority in committing your Section 236 funds to the completion of projects in the West Side urban renewal area?

A I think in real estate circles the whole West

Side is viewed as a very desirable target area for development. In addition to having agreed with the City to take
on the remaining sites, with limited exceptions the West

Side urban renewal area is now in active processing with
three additional sites in an area from the upper fifties
to 83rd Street, which will be so-called market rent Mitchell-

the West Side urban renewal area?

We have used that as a desirable relocation resource for the families that will be displaced because of Mitchell-Lama projects that are going forward.

Do you think that Site 30 would cause the neighborhood to tip in any fashion?

We are talking only of 160 public housing units

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Q On the urban renewal plan for the West Side urban renewal area, what sites are you presently proceeding

when we are talking Site 30. No, I don't think so.

with?

A "e are presently proceeding with Sites 41 and
44. We have agreed with the City that we will also undertake the development of Sites 9, 32, 35 and 45-46, which is a
double number designating a single site.

Q Where are Sites 41 and 44 located?

A Catercorner across Columbus Avenue between 89th and 87th Streets.

Q Why did you choose to develop those sites before you developed the others? Did you have any option of choosing any site numbers you mentioned?

A For two reasons.

One, in our discussions with the City it appeared that the relocation work loads would be easiest in approaching it this way.

Two, in reaching in for 41 and 44 we were relating to the other development activity that is happening in the West Side community and the division's own activities to the areas to the south. It seemed to us the logical way to proceed.

Q Have you been to that area recently? And I

 call your attention specifically to 38th Street between
Central Park West and Amsterdam Avenue which is a street
I gather between Sites 41 and 44?

A Yes. I was in the area approximately six weeks ago walking that area and just looking at what was happening there.

Q Did you see any signs along that street of urban blight?

A I saw signs of the general type of condition caused when relocation is in progress, but it is not what I would label certainly as urban blight.

THE COURT: You have been very full in your explanations and I appreciate that. Will you be a little full on this last answer. What do you mean by that?

is contemplated, certain things start to happen because families are living there very much in a transition stage. They no longer regard it as a permanent community. They have already in the West Side urban renewal area been contacted by the City's relocation people and advised of a relocation schedule, and, as a consequence, for any family packing up and starting to move housekeeping is not prime at that moment in time, but it is a condition that occurs in sites throughout the STate.

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When relocation is in progress that happens.

Did you go inside any buildings on 88th Street between Central Park West and --

I visited one building, I can't recall the address, but it is the site of the old Russian Embassy building. I did walk through the building generally. I did in fact visit with one of the tenants there.

What conditions did you see in that building?

The conditions in the building actually gave me some pause as to whether we should be talking demolition or rehabilitation. I did have some reservations as to the structural soundness of the building and despite the fact the building is old it is extremely well-painted and well-furnished.

The family that we met with was again a very stable family by any definition you want to give the word.

Are you saying you did give consideration to rehabilitating?

In the course of that visit it triggered some discussion as to rehabilitation.

Did you see anything in your walk along 88th Street or throughout the area of the West Side that made you think twice about developing Sites 41 and 44 at those locations?

A No. I was feeling that again the division's judgment as to the selection of those sites was excellent and it seemed to me what had happened generally in the West Side urban renewal area was almost the proof positive of the very success of the urban renewal plan.

Q Just to make it clear, on all these sites that we are talking about, 41 and 44, as well as 9, 32, 35 and the combined site 45-46, these are all Mitchell-Lama projects?

jects developed pursuant to our memorandum of understanding with the City of New York on a 70-30 ratio where 70 per cent of the families will be aided by subsidy under the Federal 236 program and 30 per cent of the families will be aided by subsidies will be aided by subsidies under the Section 23 leasing program, rent supplements program, or other form of subsidy.

Q All these Mitchell-Lama projects have so-called sponsors?

A They do. As part of the City's urban renewal planning sponsors have already been designated. Pursuant to our memorandum with the City we have agreed to take over their sponsors.

Q Are these sponsors aware that Site 30 is to

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be an income project?

A I think the fact that Site 30 is to be a low income project has been common knowledge to the real estate community for some time.

Q Has any sponsor exercised a desire to be released of his commitment to a Mitchell-Lama project because of this fact?

A No.

Q Could they be relieved of their commitment if they wanted to?

A Again it would not be -- let me give you an iffy answer to a difficult question. It would not be the policy of the division to force a coonsor to proceed with a project if he was not willing to do so. There are many other sponsors who would be available and have expressed an interest in development in an area such as this.

Q Should any sponsor withdraw, would your ability to continue developing these sites be affected in any way?

A No.

You would be able to obtain additional sponsors?

A Yes.

MR. SALERNO: I have no further questions.

THE COURT: Thank you for your preparation. You reduced that to minimus time.

low.

1	pgb-21	Goodwin-cross	3794
2		Mr. Liner, do you have any ques	tions?
3		MR. LINER: No questions.	
4		MR. DOUW: No questions.	
5		THE COURT: Mr. Morris. Would	you care to
6	cross-examin	e?	
7	CROSS-EXAMI	ATION	
8	BY MR. MORR	S:	
9	Q	Commissioner Goodwin, what are	the income limits
10	applicable	o Section 2336 housing?	
11	A	The income limits at this momen	t in time for a
12	one-person	amily would be a range of \$7100	to \$8300. For
13	a two-person	family, nine to ten thousand.	
14		For a four-person family, ten t	o twelve thousand
15	dollars.		
16		These are admission levels. The	se again are
17	income limi	ts set by the Federal Government	and they are
18	subject to	change.	
19	Q	Has application been made for a	n increase in tho
20	income limi	ts, do you know?	
21	A	There are the so-called exception	on limits for
22	which the d	ivision has generally made appli	cation. There
23	is obviousl	y ongoing discussion with the Co	ongress and
24	with HUD or	the grounds that these income !	limits are somewha

In fact, I did testify to this effect before
the Congress last summer. I don't envision any appreciable
change in this range in this moment of time.

Q What would you say is the difference in income limit between public housing and 236 housing?

The public housing, we have to bear in mind that there are two public housing programs in play in the West Side urban renewal. Stephen Wise is a State-aided public housing project. The income limits there, due to a number of factors, are rather uniquely high. The continued occupancy level at Stephen Wise for a two-bedroom apartment is \$14,700, and for a three-bedroom apartment it is \$17,000. I would not label Stephen Wise because of the unique income limits necessarily as a low income project and I think in fact the characters of the project itself is evidence of that. The income limits in the Federal program, I would defer to the New York City Housing Authority to speak to that point.

Q You are not familiar with the difference?

A Again, the setting of income limits is a function of the Housing Authority. I am merely reciting the agreement between the State division and the Housing Authority as to the income limits on Stephen Wise.

But speaking of the other low income housing

that is being put into the West Side urban renewal area such as the 30 per cent leased public housing, are you familiar with that?

A Yes.

Q Tell us how those limits differ from the 236 limits that you just gave us.

A We have not made a definitive decision as to the type of subsidy program that will be brought into play to fund the 30 per cent of the units that are designated for the low income families. We do feel that we have some viability of rent supplements due to a series of complicated maneuvers but in general they will be somewhat below the 236 level.

Again the 23 program is in such a state of flux by virtue of proposed changes in legislation and proposed changes in regulations that I think it would be not possible to give an exact income range at this moment in time.

I will say it will be below the 236 level.

- Q Could you characterize how much below? Would it be substantially below or only slightly below?
- A I would say somewhat below is probably the most accurate answer.
 - You could not put a dollar figure on that?
 - A I would be very hesitant to put a dollar figure

on that.

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Q We had testimony in the course of this trial that the difference between the public housing income limits and the income limits under 236 amounts to about \$500 a year. Would that sound about right to you?

A I would be very hesitant again given the state of flux of the Section 23 program to put a number on it at this moment in time. I have not done so.

Again we have a very confusing situation as
HUD is now drawing Section 23 regulations in anticipation
of changes in Federal law, and even talking directly with
HUD officials we find there is a great deal of confusion.

"Somewhat below" is probably the most accurate characterization I can give you.

Q Are you familiar with the commitment made by the City to put 2500 units of low income housing into the West Side urban renewal area?

A No. To my personal knowledge I am not.

Q Had you heard that figure discussed?

A No. That figure I don't relate to at all.

Again in our memorandum of understanding with the City we have accepted the 70-30 income mix as part of our undertaking to them to proceed with the development of Mitchell-Lamas.

pgb-25

Goodwin-cross

Q That was done but there was also a commitment by the City at the time the urban renewal plan was developed to include 2500 units of low income housing. When you mentioned tipping point did you give consideration --

MR. LINER: I object to that. There was no mention of the urban renewal plan at 2500 units.

THE COURT: You object to his statement?

MR. LINER: Yes.

THE COURT: Yo r objection is noted. I would prefer you just say to the witness "Assuming," rather than treating it as though it had already been accepted by both sides.

If you will assume that the City had committed itself to the development of 2500 units of low income housing for the development of the entire area, and then if you assume that the actual number that are in contemplation if the project is completed in accordance with present plans, there will be in excess of 3500, up to 4000 units of low income housing. Would that affect in any way your testimony to the effect that this area would not pass the tipping point?

No. Again I think we have to -- we are looking at ten years of history when we talk about the inception of the urban renewal plan in the West Side urban renewal

Goodwin-cross

area. Initially, going back to the early sixties,
the income limits in the middle income program itself
were \$21 going up to \$30. I think the very family who
might have been served within the confines of a middle income
program at that time, today, because of need for deeper
subsidy, is being served within a housing program we choose
to label as low income.

With the addition of 160 units of low income housing, and again based on present reevaluation and present judgment, it does not seem to us to adversely affect the area.

Q I am not speaking only of the 160 units. There is a lot more public housing beyond 160 units involved in Site 30 that we are talking about.

I asked you to assume that instead of the 2500 units originally planned the City actually will put into the area a total of 3500 to 4000 units, would that affect your conclusion about tipping points?

A No. AGain I am perhaps cautioning that we have to be very careful in the use of our terminology because, for example, in the State Capital Grant Low Rent Assistant program, what we are seeing is the upward e conomic mobility of families coming out of a deeper subsidy program and being tenants of a housing company.

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Goodwin-cross

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Q That is responsive.

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A No.

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THE COURT: Why do you say no?

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THE WITNESS: One, I find it very difficult

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7 as if it were the entire municipality. As I said initially

of development that is now taking place in the west

in any municipality to deal with a twenty-block unit

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we are looking at the west side as part of a spectrum

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side from the very ambitious Battery Park city project

to the city's Washington Market Urban Renewal project

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down in this area, walking on uptown. We see HRH in with

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a very large development on 42nd Street. We ourselves

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have been approached by another major developer to under-

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below the West Side Urban Renewal area, the so-called market

take housing in that area. We have some 1600 units

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rent Mitchell-Lama, which in fact is really luxury

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exemption and the tax exempt bond financing because con-

housing, if you want, built with the benefit of the tax

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struction costs in the private sector are so fantasticly

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high. Therefore we are not looking just to the twenty-

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block area but we are looking at, in effect, the entire

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area.

We are also looking to the activities of the Urban Development Corporation, our counterpart state

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plan.

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gwjw 2 Goodwin-cross

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agency, that has just received a \$2 million commitment

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in state funds in the supplemental budget as part of its seed money to execute its so-called Harlem redevelopment

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seed money to execute its so-called Harlem redevelopment

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I suppose my answer is a cast in terms of just the overall happening in this sector of the city.

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THE COURT: Thank you.

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THE WITNESS: You are welcome.

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BY MR. MORRIS:

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Q Do you have any statistics as to the situation with respect to the number of white and Puerto Rican and black families in the area during the period from

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1970 to 1974?

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A No.

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Are you familiar with the figures that exist in the distinction between the 1960 and 1970 census figures?

Not immediately familiar. Again, as I say,

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20 we have as part of our commitment to the west side spent

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Mitchell-Lama projects in the West Side Urban Renewal area. We find these to be highly stable projects. We are not troubled by the racial characteristics of the area. If I were troubled by the racial characteristics

3803 Goodwin-cross gwjw 3 1 of the area, this is the type of thing that would trigger 2 deeper research on the part of the division. 3 Taking the current 236 limits into consideration, would you say that a civil service employee of the 5 City of New York, like a fireman or policeman or a 6 sanitation worker, or a government employee would be 7 eligible for the 236 housing within the limits that you 8 gave us just before? 9 It's a very narrow eligibility ban. There 10 are civil service employees who have spent some time 11 in city or state civil service, for that matter, who 12 would not be. 13 Would not be eligible? 14 0 Would not be. 15 As a matter of fact, can you say most middle 16 income families would not be able to qualify for the 17 236 within the income limits that you gave us? 18 Most middle income now starts to cover a 19 very much proader range. We ourselves are renting up, 20 if you want, a very large 236 project, Starrett City 21 in Brooklyn. We are not finding that much problem 22 actually in attracting families who might be labeled 23 as middle income. 24

if you want.

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1	gujw 4 Goodwin-cross
2	income families can meet the eligibility requirements of
3	236 or are you really reaching into the lower echelon,
4	the low income, family in order to satisfy the 236
5	income limit?
6	A Well, again I suppose to be responsive to that
7	question I would have to give you my definition of
8	middle income, which would be a working family who is
9	perhaps starting out, perhaps a family in a somewhat
10	lower paying job category but with some potentiality
11	of upward mobility and on that ground I would say yes.
12	Q You would say yes, that it is for middle
13	income?
14	A Yes.
15	Q Can you distinguish in that definition that
16	you just gave us between what you characterize as middle
17	income families and what you would characterize as low
18	income families?
19	A The low income family would be one who for a
20	variety of reasons would have very little chance of up-
21	ward mobility, might not be necessarily a stable family.
22	Again, I think that most people, if you ask them: Are
23	you low income or are you middle income, today would
24	answer middle income. It's sor of our American definition

gwjw 5 Goodwin-cross

Q Are you familiar with the term "planning plight"?

A In the sense that it's a word of art drafted into Article 15 of the General Municipal Law under which the Urban Renewal area is being developed --

O Yes.

A -- we use the terms "urban decay" and "urban blight" and then in the findings and declaration of Article 15 we evidence certain factors we deem to be characteristic of urban blight.

Q Can you give us a definition of that?

A Urban blight I would say is both physical, economic and social.

Q How about planning blight?

A 'The phrase "planning blight" I simple do not relate to. I don't know what planning blight is. You plan to eliminate blight.

Q That's right.

THE COURT: I wouldn't venture to struggle with it. Everything else you have testified to I get the impression that you wouldn't have said it unless you were acquainted with it, in fact have more than just a bare working knowledge. Now he has thrown something at you and I don't think you ought to answer it unless you are

1	gujw 6 Goodwin-cross
2	familiar with it.
3	you ever hear that term?
4	TH WITNESS: "Planning blight", no.
5	THE COURT: There it is.
6	You testified that you walked through 88th
7	Street recently. Would you apply the words "urban blight"
8	or "urban decay" to 88th Street, particularly between
9	Columbus and Amsterdam Avenue, as you observed it?
10	A No. I think I said earlier that I regarded
11	it as an area where certain problems were present because
12	of obviously the relocation, but I would not deem it
13	to be a blighted area as such.
14	Q You say that as of now it is not blighted?
15	A I would identify it as an area where certain
16	tensions, if you want, are present because of the imminence
17	of relocation, but I would not deem it blighted as such.
18	Q If it remains as it is and the change does
19	not occur, the performance of the urban renewal plan,
20	would you then characterize it as having urban blight?
21	A Well, I find it very difficult when we are
22	looking at fluid situations where certain forces are in
23	play to come back and re-evaluate if we stop here what's
24	going to nappen.
25	Q I am asking you to assume it.

to the stand.

1	gwjw 7 Goodwin-cross 3807
2	A Then I assume probably the area, if again
3	the development were arrested, which is very tough,
4	that a situation of blight may conceivably come to
5	exist. It's almost a question of what happens to a
6	developer when it's 236 funds were shut off when he was
7	well along the development process. It's a God knows
8	answer.
9	Q Aren't you in effect saying urban blight
10	would develop there if the plan were haulted?
11	A No. I think there are other forces in play
12	in that community. Again, we have watched the renovation
13	of brownstones. We look at a very desirable district
14	pattern. We look at the fact this community sits between
15	two major crosstown streets. I am not sure in my own
16	mind even, say, if publicly assisted development were
17	haulted what would develop there.
18	MR. MORRIS: That's all, your Honor.
19	THE COURT: Anything else, gentlemen?
20	(No response)
21	THE COURT: Thank you, Commissioner.
22	(Witness excused)
23	THE COURT: Next witness.
24	MR. DOUW: I call Commissioner Christian

Authority prior to that time.

Who is the proposed developer for construction of public housing on Site 30?

- The Lefrak organization. A
- Has a contract been entered into? 0
- No, it has not: A

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What is the reason?

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Christian-direct

The developer is unwilling to sign a contract of sale at this time without knowing when he will be able to start or what forces may come into play to stop him in the course of development.

Q Is it the Housing Authority's policy to proceed with Site 30 when the contract can be closed with the developer?

. A Yes, it is.

Q What kind of priority does Site 30 have for the Housing Authority?

A It is not really a question of priority. We usually assign priority to jobs that are in the pipeline that have not been funded. Site 30 is fully funded at the present time. We have an annual contributions contract with the federal government.

- Q So in that sense does it have top priority?
- A Absolutely.
- Q Has the Housing Authority or you as an individual evaluated the tipping issue in controversy that surrounds Site 30?
 - A Yes, we have.
 - Q And what is your estimate of that issue?
 - A. Our estimate is that it certainly would not

1	gwjw 10 Christian-direct
2	affect the balance in that neighborhood.
3	Q If you have reason to believe tipping would
4	occur, would you proceed with the construction of public
5	housing on Site 307
6	A No, I don't believe as a responsible public
7	official I could do that.
8	O How, in your judgment, turning to another
9	subject, how, in your judgment, have Court decisions
10	affected the effectiveness of screening applicants for
11	Housing Authority projects?
12	MR. MORRIS: I will object to that, your
13	Monor. He is asking how have Court decisions affected
14	the effectiveness of Housing Authority projects. That
15	calls for a conclusion of law.
16	THE COURT: That is another phase of it, but
17	he is working with the rules laid down by those decisions
18	Isn't that so, Mr. Chairman?
19	THE WITNESS: Yes, sir.
20	THE COURT: As he undoubtedly has been
21	advised by his counsel, the interpretation to be placed
22	upon those pronouncements by the Courts had taken into
23	consideration by the chairman in making his decisions.
24	Am I right on that, too?
25	THE WITHESS. That is absolutely right.

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1	qwjw 11 Christian-direct
2	THE COURT: Please proceed.
3	Q If I can restate the question
4	THE COURT: You don't need to. After a Judge
5	has ruled in your favor, you don't then take the whole
6	blooming business and throw it into the wastebasket.
7	You go right on with the question.
8	I have allowed it to exist.
9	MR. DOUW: Thank you, your Honor.
10	Q My question is directed to the practicalities
11	of dealing with the new rules of procedure that are
12	required by Court decision. Could you comment on that?
13	A Yes. It has certainly impeded our ability
14	to screen applicants in the manner in which we formerly
15	screened in that we no longer have access to Court records,
16	probation records, the Board of Education records on a
17	family or social welfare records on a family. We rely
18	almost principally now upon a person interview with
19	each family who is an applicant for public housing. To
20	that degree it has slowed the process.
21 ·	Q. If it has slowed the process, has it made it
22	impossible properly to screen prospective tenants?

- - No, it has not. A

How, in your judgment, have Court decisions Q and new procedures affected the ability of the Housing

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Mr. Morris, we will not know that until we will ask the developer for his up-to-date prices.

the annual contributions contract sufficient to build

the building at today's costs?

A I would say, Mr. Morris, that the answer I
gave previously to Mr. Douw is that it certainly has
stretched out the time that it takes to get an undesirable
family removed from a project, no question about it.

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Doesn't it also have the effect in many instances of making it extremely difficult or, in fact, impossible to screen out families that you used to be able to screen out rather readily?

A I would say that it's definitely not made it impossible. It has made it more difficult, certainly.

As a matter of fact, aren't there some situations where you would previously have screened out a family and not allowed them into public housing and you now are required to take them?

A That's correct. If you are referring to the previous 21-point procedure.

Yes, I am. Therefore, there are many that you must take now that you would not previously have taken?

A Yes. However, whether or not that was a desirable thing at the time is another question.

THE COURT: Will you explain, Mr. Chairman, what you mean by 21-point?

THE WITNESS: Sir, previous to the present regulations we had what were known as the infamous 21 points. These were character and personality traits, an unwed mother, for instance, a family that showed any evidence in their past history of disruptive behavior.

Christian-cross/redirect gwjw 15 2 Any one or a combination of the 21 points usually was 3 sufficient to deny that family admission to public housing, and when the administration standards were lowered, if 5 you will, I would rather say modified, it permitted a 6 lot of families who never had a chance to get into decent housing before to now become applicants for public 7 8 housing, acceptable applicants for public housing. 9 And has that had the effect of making more 10 difficult the management and operation of the public 11 housing projects for the City Housing Authority? 12 I certainly would have to say it's increased 13 our responsibilities in that regard, yes. 14 MR. MORRIS: That's all. 15 THE COURT: Anything further? 16 MR. DOUW: One further question. 17 REDIRECT EXAMINATION 18 BY HR. DOUW: 19 When you say it increased your responsibilities, 20 do you in the Housing Authority feel you are able to meet 21 those responsibilities? 22 Yes, we certainly do. Λ 23 MR. DOUW: Thank you. THE COURT: Commissioner, before I let you go 24 25 there is something that this case has presented that is

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troublesome to me and while you are here I am going to take advantage of your testimony under oath.

Let me introduce it by saying that I have been a Judge in this city for 36 years. I have lived on both sides of the tracks. No one can talk to me about squalor. I have lived in it. I know what you are talking about. I am just as good an expert as the next fellow.

But I also know the bitterness, the hatred, the pent-up emoitions of people who feel set upon, who whether they are right or wrong, nevertheless entertain that feeling and give vent to their anger. We have had testimony of garbage throwing out of the windows, balconies. We have had testimony of the gathering of large numbers in front of buildings and the boisterous behavior that they engage in. There has been testimony dealing with the abusive comments towards the tenants as they go in and out of their homes. There has been testimony dealing with absolute filth within the building, halls are dirty with excretion, elevators the same.

I am not asking you to pass on the verity of these things. I want to ask you plain if such conditions do develop in a given area, a part of an entire urban

Christian

renewal development, what remedy is there, as you understand it, assuming these are correct, assuming these are the facts -- I am not asking you to defend them, I am just saying this is taid before you -- what do you do with it? How can you meet it? What can be done about it?

strictly a program of tenant education, if you will, tenant education in the facet of community living. There is no question a good many of the families that we take into public housing were not accustomed to a community life as such. They came from either one or two family or small developments where they never had the contact with other families. I believe the Authority has a responsibility, but far and beyond that, society at large has a much greater responsibility to those families.

They have to be housed somehwere. They are entitled as human beings to decent, sanitary, safe housing.

To the degree that we can possibly do it we try to provide that, including our own professional police force. We want to see public housing succeed. We do not want a Pruitt-Igoe or a Newark. We are striving not to have that happen in New York City and we don't believe it will.

Christian

part of it but I press the other part.

Assuming that these facts are laid before you, that they are not just an occasional event but they are happening with constancy, week in, week out, month in, month out, running into a substantial period of time, this is laid before you. A tenant committee calls upon you and produces evidence that satisfies you that the does exist.

What is there to be done about it? How can it be met? That is not inconsistent with what you have just said --

THE WITNESS: Absolutely not.

THE COURT: That poor people should have housing. Of course not. I was that way. That is the way I introduced my questioningby telling you my own background. How do you meet it is all I am asking.

THE WITNESS: What you are describing, Judge, is definitely a pattern of anti-social behavior.

THE COURT: What do you do about it?

THE WITNESS: The manager would refer that to our downtown office for termination of tenancy. The only thing that has happened as a result of all the various Court decisions, which usually have been

Christian qwjw 19 1 against the Authority, is simply to guarantee that that 2 family has had every protection of the law before they 3 lose that housing. 4 THE COURT: Of course. 5 THE WITNESS: We have a hearing before a 6 hearing officer who is an attorney. He fully hears the 7 8 case. THE COURT: That is what I want. Develop 9 10 that. THE WITNESS: The tenant in all cases is 11 permitted and encouraged to be represented by a lawyer. 12 If he can't afford one, the Legal Aid Authority or one 13 of the other legal aid organizations is called in. A 14 recommendation is made by the hearing officer to the 15 three members of the Authority. I am the chairman, we 16 have two other commissioners who are members of the 17 Authority. We either agree or disagree with his findings. 18 If we agree with them, then of course the legal proceeding 19 20 starts to remove.

> THE COURT: And that's a daily process, is it? THE WITNESS: Weekly. We have a calendar every week.

> > THE COURT: The ongoing work is a day to day

25 job?

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THE WITNESS: Year round operation, your

3 Honor.

THE COURT: One more thing and I will let you go.

get a fancy apartment or a condominium, the inquiry
by those who have it to lease or to sell is not so much
on the money, the financial capability of the tenant.
That is found out in ten minutes. The tenant doesn't even
begin to make application without having a portfolio
that overwhelmingly satisfies anybody as to his financial
status. So there is no real problem on that score.

And yet you and I know that a board representing that
house inquires into the character of that tenant. Who
is he, what's he done, is he a two-bit faker with a lot
of money, is he a punk, really? What kind of reputation
has he got?

That's true, isn't it?

THE WITNESS: Yes, it is, your Honor.

THE COURT: And what's the purpose of it?

So that such a tenant will not be responsible, and remembering the old adage it takes just one rotten apple to spoil a whole barrel, the purpose is to see that that house should not be demoralized by the behavior of one,

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1 gwjw 21

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two or more of the tenants who get in there with their fancy clothing and turn out to be just no good.

Now, you then agree, do you, that there should be no less an inquiry with regard to character regardless of the financial status of the person? I have dealt with people of limited means all my life. Don't tell me they are without honor. Don't tell me there isn't heroism that the wealthy could very well emulate. Don't tell me that all the virtue rescinds only in one group and not in another. Nobody has a monopoly on virtue or sin. That's for the gullible.

of it, don't you think that there ought to be an inquiry in character as to character of a person regardless of the financial status of that proposed tenant?

THE WITNESS: I fully agree, your Honor.

are inferring to do and in order to make it exhaustive and to have an answer, being deprived of criminal record material, prior probation officers material and all these limitations which I take it the Courts have declared must be recognized, and I can see the wisdom of it in a general way, but, at any rate, that does make your burden neavier but you are determined to inquire as to

the moral structure, status, capabilities of the low income tenant as well as the middle, is that it?

the housing assistants who conduct our interviews are rather skilled people. Of course they look for any particular traits that are immediately discernible in interviewing a family. I am sure they slip through no matter what procedure we had that it wouldn't happen that way, but we certainly make every effort and have redoubled our efforts because of the strictures upon what we can and cannot do to indoctrinate our housing assistants with the fact they are not ruling against a family, they are protecting the other families in public housing when they rule out a family that is disruptive.

THE COURT Very good. Thank you, sir.

(Witness excused)

THE COURT: Next witness.

Witness until we get Ar. Badillo.

THE COURT: Gentlemen, I think that if it's agreeable with you, now that the evidence is drawing to a close, with the completion of Congressman Badillo's testimony, I think that we ought to take advantage of some of the time between now and then to talk about how

gwjw 23

to go forward with this matter looking to a final adjudication by the Court, such items as motions, the filing of memoranda for and against dismissal and so forth.

If you have no objection to that, we will meet in about 15 minutes or a half hour, if you prefer, and spend some time on that.

How does that appear to you, Mr. Morris?

MR. MORRIS: Very well, except for one thing,

your Honor. I think we ought to do that and I am in

full accord with it.

THE COURT: You are talking about the other materials of Mr. Gold, is that what you mean?

it be better if we arranged to hear Congressman Badillo tomorrow morning. I didn't realize they would finish this early. They are talking about two and a half hours.

THE COURT: I am obliging them. I take it he got on the plane especially to get here. Is that right?

MR. MORRIS: Will he be available tomorrow?

MR. DOUW: As I understand it, he is not available tomorrow morning.

THE COURT: Let's get through with it.
There it is. I already said yes and I won't change my

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mind. I will oblige him. We all have to do these things from time to time.

You have the time, true, a half hour?

MR. MORRIS: Yes.

THE COURT: Mr. Land?

MR. LAND: Certainly.

THE COURT: Mr. Liner?

MR. LINER: Yes.

THE COURT: Mr. Douw?

MR. DOUW: Certainly.

THE COURT: Come up to chambers at 3:00 o'clock.

MR. DOUW: One extra exhibit might be put in this time. I asked Dr. Fine for the constitution of CONTINUE and Mr. Morris has provided me with two documents that fit that description and I would like to enter them as exhibits.

THE COURT: There being no objection, I take it, they are marked in evidence.

MR. DOUW: Two items, one called a Statement of Principal and Purpose and the Constitution of CONTINUE.

(Plaintiffs' Exhibit AM was received in evidence)

THE COURT: Anything else now, gentlemen?
Then I will see you at 3:00 o'clock.

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Announce a recess until 5:00 o'clock.

THE CLERK: Recess until 5:00 o'clock. All rise, please.

(Recess)

(Trial recess until 5:00 o'clock p.m.)

(In the robing room - 3:00 o'clock p.m. all counsel present)

have had an off the record discussion in the robing room and the Court wishes the record to reflect our deep sense of appreciation to counsel for their efforts, especially in the last several days of this case. We have an understanding with respect to certain items. I am going to recite one or two that I feel we have agreed upon and leave it to counsel to embelish or extend remarks with regard to a couple of others.

with the memoranda to be handed up to the Court. I have emphasized in no uncertain terms, and have gotten the clearcut approval of counsel, that a memorandum that merely scratches the surface is of no value whatever.

The memorandum of law must be a thorough undertaking in

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and emphasize the word "entire" -- trial record. I don't need to define for counsel who have shown me that they know their way around that a trial record is not only the oral testimony but also the exhibits and the stipulations, all matters of any kind that appear in the stenographic minutes from start to finish.

The memorandum, therefore, must be so comprehensive and so reliable that the Court may count on it, act on it with certainty as a recital of the facts therein contained. The conclusions of course are bound to differ.

In the memorandum, counsel will address themselves principally to two motions: One, the motion made at the end of the plaintiffs' case for a dismissal, and secondly, a motion to dismiss at the end of the entire case, plus such additional motions as may occur to counsel as being of value. There is no reason why they can't include them and give supportive argument and documentation with respect thereto. I am not uring it. I do think that all motions are dwarfed in comparison with the two major motions to which I have alluded, but I rely on counsels' ingenuity to the extent that if they can think of something that doesn't occur to me as of major importance they shouldn't hesitate to address

SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE

2 | themselves to it.

These memoranda are to be served and filed no later than June 18, at the close of that day, 4:00 o'clock.

Counsel are also given an additional week, that is, until June 25, to serve and file with the Court reply memoranda.

we have emphasized and I am sure counsel understand it beyond question, that these dates are binding and are final and will not be disturbed unless there is an emergency of grave character, which I pray will never happen here or at any time to any of you. In other words, nothing short of very severe illness will interfere. I emphasized only because I want you to be mighty sure that those dates are fixed and determined. I explained it, I figured it out, I tried to see how I can work on this material and still keep other commitments. I go to Minnesota this summer to keep a commitment to try cases for a period of four weeks. That also has to be recognized. My own sched a re is always heavy.

Counsel on all sides have promised that the Court will be in possession of a complete photocopy of all exhibits that are made a part of this total trial

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record.

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The record will show that Mr. Morris today, this afternoon, during the course of Mr. Crystal's testimony, made reference to some understanding that he had with Mr. Gold with respect to ethnic and income charts. The record will show in greater particularity what Mr. Morris had to say on that subject.

Mr. Liner properly objected, and I think the record should clearly show that Mr. Morris cannot get as of right a direction by the Court to the city to produce those records, primarily because he comes in entirely too late. We are about to close the case and this demand is made. While it may be true that Mr. Gold and Mr. Morris had some understanding that they might be produced or they would be produced, the fact of the matter remains that Mr. Morris did not make any motion or did not call the Court's attention to these matters before today. However, we of our own accord believe that that kind of data may prove to be of some assistance. We have discussed this very thoroughly in the off the record discussion and solely for that reason the Court requests that the city make an examination to discover whether such records are in existence and, if so, produce them one week from tomorrow, with a letter of course addressed

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to the Court enclosing such material with copies of the letter to all parties and with copies of the material to all parties.

It must be distinctly understood that this trial record is not closed without a final word on that subject from the city. In other words, I will hold the city responsible for the contents of the letter which should be received by us no later than a week from tomorrow in which the position of the city with respect to these ethnic and income charts is clearly stated.

That's agreed, Mr. Liner, is it not?

MR. LINER: Yes, it is.

MR. MORRIS: Your Honor, when I made my statement for the record previously, I did not state all of the items. May I set them forth? I gave Mr. Liner a memorandum of the items but Ithink it would be helpful if they were contained in the record.

THE COURT: Go ahead.

MR. MORRIS: May I state them for the record at this time?

THE COURT: Yes.

MR. MORRIS: The items are as follows:

One. Number of welfare families in middle income housing.

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housing.

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Two. Number of welfare families in low income

Three. Ethnic breakdown of welfare families.

Four. Number of title vesting relocatees still to be located back into the area.

Five. Number and category of other relocatees.

Six. Ethnic breakdown of relocatees.

Seven. Number of squatter families.

Eight. Ethnic breakdown of squatter families.

Nine. Income limits applicable to 236 housing as of 1971 to the present time.

Ten. Income limits applicable to public housing as at 1971 to the present time.

All of this as it relates to the West Side
Urban Renewal area itself.

that if there are no such records there are no such records and you will have to state it as an officer of the Court or onbehalf of Mr. Gold, it is a representation, it will be included in the trial record, made an exhibit and included. But whatever can be produced, whatever is in existence, putting it a more accurate way, whatever is in existence must be produced.

MR. LINER: Yes, your Honor.

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THE COURT: Now that clears that up.

Now, Mr. Morris, you have something to say with regard to an unfinished statement by Mr. Haldenstein.

Would you have the record reflect what you told us before, please?

MR. MORRIS: Yes. Mr. Haldenstein in his testimony testified that the values of brownstones in the West Side Urban Renewal area which had increased, according to his testimony, during the period from 1963 until 1970 took a downward turn in 1970 and decreased in value during the period subsequent to 1970.

He was examined with respect to his basis for that statement and indicated that he did not have his records with him which would support the statement and he was requested by the Court to prepre a memorandum which would reflect that information, and he has prepared such a statement and I will file it with the Court when I receive it from him.

THE COURT: With the distinct understanding that that, too, is a part of the trial record and will be marked as an exhibit, and you have also a week from tomorrow in which to file it with the Court, with copies addressed to all the litigants, all counsel.

MR. MORRIS: Yes.

THE COURT: If it is controversial, what Mr.

Haldenstein has to say, if it's other than just plain

figures, and I hope that's all it is, because if he

opens up an invitation to examine, I will have to afford

that opportunity.

MR. MORRIS: Yes.

so wisdom would dictate that you see that you get together with them, show them what you have got, before you actually put it in writing, so that they will feel at ease. After all, they have a responsibility, and if they find there is nothing to both them with it, then it would be nice for you to recite that in your letter to me.

Will you do that that way, please, gentlemen?

MR. MORRIS: Yes.

Could we have the same direction as far as the city is concerned with its figures so that those can be cleared with counsel before they are filed with the Court?

THE COURT: That is always agreeable with

me. I am not giving it as a direction nor am I on the

other. I suggest that is the way counsel should act.

I don't like to direct counsel to do that which I think

1	gwjw 33 .
2	might have objection. So I left it to them. When you
3	can get together it is so much easier and better if you
4	can do it that way. Do it in advance and clear the
5	decks so there won't be any last minute wrangle.
6	Gentlemen, I am going to ask you clearly, is
7	there anything at all that remains to be said, any comment
8	of any kind dealing with any phase whatever of this
9	matter which should be called to the Court's attention
10	now or forever hold your peace?
11	MR. LAND: Perhaps off the record for a
12	moment.
13	THE COURT: Off the record.
14	(Discussion off the record)
15	THE COURT: On the record.
16	Mr. Land, in an off the record comment, has
17	nothing to place on the record, is that right, Mr. Land?
18	MR. LAND: Correct.
19	THE COURT: Mr. Douw, you have nothing?
20	MR. DOUW: That's correct.
21	THE COURT: And Mr. Line, you have nothing
22	further?
2	MR. LINER: That's correct.
2	THE COURT: Now Mr. Morris.
2	MR. MORRIS: I would like it to appear on the

record that Mr. Owens and Mr. Hudgins, who were witnesses for the plaintiffs in the action, are blacks.

I would also like to make formal motion, number one, that attorneys fees be awarded to the plaintiffs in this action whether they win or lose the case, in addition to costs, which the Courts have held the plaintiffs would be entitled to in this type of case.

Secondly, I would move that the Court grant a temporary injunction restraining the construction of Site 30 as low income housing.

THE COURT: Does that complete it?

MR. MORRIS: Yes.

TI COURT: All three from everybody?

Gentlemen, thank you very much. I will see you at 5:00 o'clock when we take the testimony of Congressman Badillo.

Thank you, gentlemen.

(Recess)

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Wouldyou describe to the Court what it is?

This is material I submitted as Deputy Com-

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missioner of Relocation to the Board of Estimate at the time the public hearing was held in January 22, 1962.

Referring to Page 7 of Exhibit D, which refers Q to the Mayor's announcement of 2500 low rent apartments, was that intended to be a maximum or a minimum figure?

That was intended to be a minimum figure.

Was that commitment to a minimum of 2500 low income units related to the relocation plans for the West Side urban renewal area?

We knw there was going to be a very bitter public hearing on this subject because Mr. Mollen and I had been talking in practically every area of the West Side urban renewal project. We had decided to meet the demands of the community to provide for 2500 low rent units. Mr. Felt, Mr. Mollen, and Mr. O'Keefe, who was then Commissioner of Real Estate, and Mr. Gable and I, and I think Mr. Byrnes, Harold Byrnes, who was Commissioner of Buildings, and all of us in the Housing Executive Committee met the day before the hearing and we came to an agreement to draft a statement saying that the Mayor would provide 2500 low rent apartments within the project. We issued that so that it would be available at the time the public hearing took place on the following day, so that the people who came in would know that we had made the changes, and accordingly, I changed

my statement from what I had prepared at a similar hearing in the City Planning Commission a couple of months earlier to conform with the agreement that had been made. That is why I referred to the 2500 low rent apartments on Page 7. It is directly related to the relocation plan.

Q Congressman, referring to Page 4 and 5 of that statement, you make mention of an estimated total of 6544 households which was estimated would be displaced in the area.

A Right.

Q Referring to the last full paragraph on Page 5 and the following paragraph on Pages 5 and 6 --

A I see them.

Q Referring to those two paragraphs, what do those two paragraphs mean?

vey, family survey, of the area had been taken in 1959-1960 and of course this was 1962. I felt that the survey was invalid in the sense that it underestimated the total number of families because from my knowledge of the area I felt that many of the single persons had moved out and that families had moved in their place.

So I said that the definition of tenants was single persons or families, but I said that actually the

survey understated the number of families because of the intervening period of time.

We did not feel that we could take the time
to conduct a new survey because it would take another year
by the time we tabulated the survey and got it prepared,
and we felt that we could not delay the project for that
period of time.

I used an estimate, as J indicated on Page 5, that it is really an estimate, but I indicated that in my judgment it was understated and there were actually more families living in the area than the 1959 to 1960 survey indicates.

Q Commissioner, when was the Department of Relocation formed as a separate department?

A About November of 1962 -- October or November.

I think I was sworn in as the new Commissioner November

16, 1962.

Q Why was it made a separate department?

A During the time that I was Deputy Commissioner a lot of programs were approved such as this one and many involving highway projects, school projects, and it was felt that it was a department that cut across many different City agencies.

For example, in connection with urban renewal

projects we worked with the Housing and Redevelopment

In connection with highways we worked with the Triborough Bridge & Tunnel Authority and the Port of New York Authority.

In connection with school sites we worked with the Board of Education. We also were responsible for relocating families from sites which were scheduled for police stations, firehouses, and different agencies, so it was a department which cut across many different City agencies and some agencies outside of the City.

For that reason we felt, rather the Mayor felt, it would be important to elevate the Department to the status, the agency to the status, of a Department so as Commissioner I could deal with the other Commissioners as an equal.

As a matter of fact, as Deputy I was meeting -I found myself at many meetings where everybody else was
a Commissioner and I was a Deputy Commissioner, which
created certain rank problems. By being a full Commissioner
I was in a position to meet with the other members of the
CAbinet as a Commissioner.

Secondly you will notice from here, in this report I had begun a program of expanding relocation from

being merely a physical -- an agency that was concerned with the physica' conditions of apartments, to one which took into account the social problems that we find, because I felt it made no sense, for example, to relocate families in an area where there might be a gang of teen-agers because then you scatter them all over the city and these kids will become leaders over the city.

So we set up a program to deal with the young people. We set up social services in relocation with the aged. We set up a tenant education program on the grounds that the contact that the city established in relocation should be used not just to improve the housing conditions of the people but to improve the social and economic conditions as well.

In the economic area I set up a program of job training, found people didn't have a job and had no educational background and trained them so when they were relocated they could get employment.

Under my administration the agency went far beyond mereely an agency that moved people from one area to another.

MR. DOUW: I have no further questions.

Thank you, your Honor, for accommodating us
and Congressman Badillo's schedule.

THE COURT: Any objection?

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MR. LAND: At the end of trial Mr. Morris

now ays he wants the Federal Government to pay his attorney's

fee whether he wins or loses this case. To be quite

frank with you, if such a proposition were made earlier in

the case, we might have been able to handle the difficulties

that apply to such a request.

In this type of situation I really think the rule of law which says "Plead what you are going to prove, what you are going to ask for and that should guide" -- rather than permitting this kind of amendment at the very last two minutes of trial. There are no more witnesses, the trial is over. We had one amendment already to include the Liebert issue and the intervenors coming in. There has been no prejudice because the trial was delayed for a period of time.

No one was caught unaware. I don't know about the situation here with respect to his most recent request and I respectfully request it may be improper under our rules.

THE COURT: What do yousay for the City, Mr.

Liner? Anything? Do you oppose the motion?

MR. LINER: I go along with Mr. Land.

MR. DOUW: I do oppose the motion.

THE COURT: Decision reserved.

Anything else? .

I don't think I would want the proceedings to close without saying a word to Mr. Liner who took over for Mr. Gold who suddenly had a personal tragic problem in his family.

Mr. Liner had very short notice, hardly any notice --in fact I should say no notice at all when Mr. Gold received news of the calamity. Mr. Liner -- using his name "lined" right up and stood on his own feet and carried on. I think he did a fine job all things considered.

When your time comes to be admitted to the bar,

I hope I shall be around to welcome you to the bar of this

court, Mr. Liner.

Gentlemen, thank you again for your courtesy to one another and to me.

We will consider the comments made in chambers today as repeated right here and now. I do think in further reflection it would not be amiss if we were to have the formal motions made a part of the record, so do so now.

with regard to the dismissal, etc., and amplify the grounds therefor, and such additional motions as may occur to the

pgb-10

Government and other parties at a later time, but the primary motions that come to your mind should be made a part of the record in a formal fashion.

MR. LAND: Yes, your Honor.

The evidentiary motions were directed primarily to the testimony of Commissioner Starr; the Government moves to strike his testimony on the ground there was no foundation made for his expertise as to that particular area because there was neither a hypothetical question presented to him nor did he testify as to any factual knowledge of the area in order to give expertise testimony.

We accordingly move to strike Commissioner Starr's testimony.

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Likewise, as to 1r. Fried coming in as an expert witness, he had neither factual basis to give testimony in terms of the statistics, even the rudimentary statistics of the area, nor was a hypothetical question put to him. Accordingly, we move to strike his testimony as to the tipping issue.

As to Dr. Kristof, we find that this hypothetical question addressed to him failed to properly define the West Side Urban Renewal area and included assumptions as to unknown facts, therefore it being an improper question upon which expert testimony can be offered.

So we move to strike the responses to the hypothetical question.

We again renew our motion to strike the testimony of Eliot Lumbard as to verbal statements made to him for the reasons we have previously set forth and which the Court has already considered. We wish to strike the oral testimony of those persons who allege they spoke to either or both Colonel Hunter or Mr.

Lauria on the ground of it being hearsay and it being a violation of the parol evidence rule with respect to written contracts.

And finally, we wish to move to dismiss the complaint, first on the ground the plaintiff has failed

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to make out a prima facie case and, secondly, that based upon the proof adduced by the defendant, it is overwhelmingly clear that plaintiffs have failed to carry the burden of proof as to four issues they set forth that they would prove.

Undoubtedly your Honor we failed to include in this omnibus motion many things raised in the trial. I ask the Court's in algence in writing our findings of fact and conclusions of law and memorandum that we be permitted to raise some of the more important questions which we have attempted to address during the course of the trial.

clear language, that you should have that right. You said it in chambers. I don't think you meant to say more important, but what you regard as important. The motions you actually made are extremely important. I can' conceive of any more important motions than those you have already stated.

MR. LAND: What I meant to say is there are literally hundreds of objections that were made during the course of the trial. I won't belabor those regardless of the way the ruling went, merely the big things.

THE COURT: Of course. Decision reserved.

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2	Does the city wish to say anything further
3	by way of motions or additional motions?
4	MR. LINER: No, your Honor.
5	THE COURT: I take it you join.
6	MR. LINER: I join in Mr. Land's motions.
7	THE COURT: Mr. Douw?
8	MR. DOUW: I join in Mr. Land's motions.
9	THE COURT: Mr. Morris, do you have any
10	motions to make?
11	MR. MORRIS: No.
12	THE COURT: I take it you are asking for
13	judgment?
14	MR. MORRIS: Yes, we are asking for judgment.
15	THE COURT: Mr. Clerk, announce an adjourn-
16	ment until tomorrow morning at 10:00 o'clock.
17	THE CLERK: Adjournment to 10:00 a.m.,
18	tomorrow morning.
19	(Time noted: 6:05 A.M.)
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In

WITNESS INDEX Direct Cross Redirect Recross Name Samuel Crystal Lee Goodwin 3808 3812 Joseph J. Christian Hermanda Badillo EXHIBIT INDEX Identification Evidence Plaintiffs